Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Edmund G. LaCour, Jr.
Nominee to be U.S. District Judge for the Northern District of Alabama
September 10, 2025

1. During your tenure as Solicitor General of Alabama, federal courts have repeatedly ruled against you and the state of Alabama. You have represented Alabama in several challenges to illegal and discriminatory voting maps drawn by the state legislature. Federal courts, including the Supreme Court, recognized those maps likely violate Section 2 of the Voting Rights Act. In 2023, the state of Alabama disregarded instructions from courts to draw two majority-Black districts where minority candidates could be chosen. As I mentioned at your hearing, public reporting and testimony revealed that you played a significant role in working with the state legislature to create another map that continued to disregard federal court orders and suppressed the influence of Black voters.

a. If the Supreme Court issues an order against a party in this case, is a party permitted to defy that order?

Response: No court order was defied. The preliminary injunction order entered in 2022 enjoined the Alabama Secretary of State from conducting any congressional elections according to the State's 2021 Plan, *Singleton v. Merrill*, 582 F. Supp. 3d 924, 936 (N.D. Ala. 2022), but that order was stayed by the Supreme Court, *see Merrill v. Milligan*, 142 S. Ct. 879 (2022). The preliminary injunction order entered in 2023 enjoined the Alabama Secretary of State from conducting any congressional elections according to the State's 2023 Plan, the Secretary complied with that order, and the 2024 congressional election was held under a court-drawn plan. *Singleton v. Allen*, 782 F. Supp. 3d 1092, 1145 (N.D. Ala. 2025). The Supreme Court's decision in *Allen v. Milligan*, 599 U.S. 1 (2023), answered only the liability question of whether the 2021 Plan, based on the limited preliminary-injunction record, likely violated § 2 of the Voting Rights Act. The majority did not opine on whether any other plan adopted for the rest of the decade would need to have two-majority black districts or whether a different and fuller record might show that Alabama's 2021 Plan did not violate § 2.

b. If you are confirmed to the district court and issue a decision, would the parties before you be required to comply with your decision and any orders you or the district court may issue?

Response: If I become a federal district court judge, and I issue a decision, any party bound by the court's order will generally be required to comply with it unless it is stayed or reversed on appeal.

c. If you are confirmed to the district court, will you condone or permit the kind of repeated noncompliance with court orders that you and the Alabama state legislature engaged in?

Response: Please see my answer to question 1a.

Public reporting has also revealed that, as a result of this litigation you helped lead, Alabama taxpayers are on the hook for more than $5 million in attorneys' fees to the plaintiffs as of August 2024.

d. Please provide the amount in attorneys' fees that has been requested by the plaintiffs' attorneys in this litigation to date. Please also provide the amount in attorneys' fees Alabama has paid to the plaintiffs' attorneys in this litigation to date.

Response: The court ordered the State of Alabama to pay the *Milligan* Plaintiffs $3,000,000 in attorneys fees. *Milligan v. Allen*, No. 2:21-cv-1530 (N.D. Ala. Aug. 7, 2024), ECF 383. And the court ordered the State of Alabama to pay the *Caster* Plaintiffs $2,250,000 in attorneys fees. *Caster v. Allen*, No. 2:21-cv-1536 (N.D. Ala. July 30, 2024), ECF 297.

2. You have represented the state of Alabama in several death penalty cases. In a case last year involving the execution of Kenneth Smith, you wrote in a Supreme Court filing that Smith was "scheduled to be executed by nitrogen hypoxia, perhaps the most humane method of execution ever devised." Smith's planned execution by nitrogen hypoxia, or nitrogen gas asphyxiation, was the first of its kind in the United States and perhaps the world. Human rights experts expressed serious concerns that the method would result in a painful and humiliating death, and they have called for a ban on the method.

Kenneth Smith was executed on January 25, 2024. Despite your claims about the painlessness of nitrogen hypoxia, witnesses described it as a profoundly disturbing event, noting that Smith remained conscious for several minutes as he writhed and convulsed on the gurney.

a. Do you still believe that nitrogen hypoxia is "perhaps the most humane method of execution ever devised"?

Response: The statement is supported by evidence tested in litigation challenging Alabama's method of execution by nitrogen hypoxia.

Many Alabama inmates pleaded nitrogen hypoxia as their preferred method of execution in challenges to lethal injection and later officially elected nitrogen hypoxia when it became available by statute. Moreover, in his dissenting opinion in *Bucklew v. Precythe*, Justice Breyer noted undisputed evidence that "nitrogen hypoxia would be 'quick and painless' and would take effect in 20 to 30 seconds." 587 U.S. 119, 164-65 (Breyer, J., dissenting).

In the most recent published decision in Alabama regarding a challenge to nitrogen hypoxia, the federal district court concluded—after considering numerous exhibits and live witness testimony—that the prisoner had "not established that the Protocol very likely causes needless psychological suffering, superadds psychological pain, or creates a substantial risk of serious psychological harm." Mem. Op. at 26-27, *Frazier v. Hamm*, 2:24-cv-732 (M.D. Ala. Jan. 31, 2025), ECF 46. The focus was on emotional or psychological distress because the experts and the parties agreed that nitrogen hypoxia is physically painless. *Id.* at 10, 21, 27. As to emotional distress, the plaintiff's position was "not sufficiently supported by research, scientific studies, or articles." *Id.* at 23.

Despite concerns that Smith could choke to death on his own vomit, Alabama said it would not stop the execution if Smith vomited once the pure nitrogen was running. In defense of Alabama's plan, instead of addressing the underlying concerns, you told the Eleventh Circuit that Smith could "have his last meal earlier in the day, or the day before the planned execution."

b. Are you proud of the arguments and statements you made relating to the Smith case?

Response: The district court noted "that many capital cases come to the federal court system with the primary or sole aim of delaying execution indefinitely." *Smith v. Hamm*, No. 2:23-CV-656-RAH, 2024 WL 116303, at *8 (M.D. Ala. Jan. 10, 2024). Smith raised arguably inconsistent challenges to the State's method of execution. On one hand, he argued that the State's mask was too loose and would "fail[] to ensure an airtight seal and would allow oxygen to infiltrate the mask." *Smith v. Comm'r, Alabama Dep't of Corr.*, No. 24-10095, 2024 WL 266027, at *6 (11th Cir. Jan. 24, 2024). On the other hand, he argued that the mask was tight and that he was likely to vomit to such an extent that the mask would fill up enough to cause him to suffocate. *Smith v. Hamm*, No. 2:23-CV-656-RAH, 2024 WL 116303, at *20 n.13 (M.D. Ala. Jan. 10, 2024). The district court found his concerns to be premised on "a cascade of unlikely events." *Id.* at *20. As a lawyer, my oath is to zealously advocate for my client, advancing whatever good faith arguments my client has available, regardless of my views of what might be an ideal policy outcome. It would not be appropriate for me to express particular approval or disapproval of any particular position taken on behalf of my clients.

3. Did President Trump lose the 2020 election?

Response: The Constitution prescribes certification by Electors from the States as means for determining who prevailed in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. Under this process, President Joseph Biden was certified as the winner of the 2020 election.

4. **Where were you on January 6, 2021?**

   Response: I was in Montgomery, Alabama.

5. **Do you denounce the January 6 insurrection?**

   Response: How the events at the Capitol on January 6, 2021, are characterized is a matter of political debate and was the subject of litigation in *Trump v. Anderson*. Moreover, the effect of pardons issued to those prosecuted for actions taken related to the events at the Capitol on January 6, 2021, is subject to ongoing litigation that could arise in cases that could come before me if I am confirmed to serve as a district court judge. Thus, under the Code of Conduct for United States Judges, it would be inappropriate for me to address these issues.

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

   Response: The Constitution empowers the President to issue pardons. Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

7. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarmingly, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

   a. **What options do litigants—including the executive branch—have if they disagree with a court order?**

      Response: The normal practice for any party who has been bound by a federal court order is to seek a stay of that order from the district court, and from appellate courts if needed, and to appeal the order when the applicable law provides for an appeal. If the order is not stayed, the normal course is for the party to comply with the order unless and until it is vacated or reversed by an appellate court.

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

      Response: There are some potential exceptions to the normal rule that a party must comply with a court order. Professor William Baude has canvassed authority suggesting that "[a] court without jurisdiction over the parties and the subject matter could not bind them to judgment, right or wrong." William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008); *see also In re Sawyer*, 124 U.S.

200, 220 (1888) ("Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void."). If it is impossible for a party to comply with a court's order, that can sometimes excuse compliance with the order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) ("[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order." (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948)). And there are some interlocutory orders, particularly in the discovery context, that a party may need to disobey in order to preserve the party's rights and be able to immediately appeal. For example, in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009), the Court declined to allow an interlocutory appeal of an attorney-client privilege issue because a "long-recognized option" for parties was "to defy a disclosure order and incur court-imposed sanctions." *Id.* at 111.

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

Response: Under the Constitution, each government official in each of the three branches takes an oath to uphold the Constitution and the laws of the United States. After the Supreme Court decided in *Employment Division v. Smith*, 494 U.S. 872 (1990), for example, C Congress responded with the Religious Freedom and Restoration Act. Pub. L. No. 103-141, 107 State. 1488 (1993). Representative Charles Schumer opined that "Justice Scalia's decision explained that requiring the Government to accommodate religious practice was a luxury.… The Founders of our Nation, the American people today know that religious freedom is no luxury, but is a basic right of a free people." 139 Cong. Rec. 9684 (May 11, 1993) (statement of Rep. Schumer). Representative Jerrold Nadler promised that "[t]his landmark legislation will overturn the Supreme Court's disastrous decision, *Employment Division versus Smith*, which virtually eliminated the [F]irst [A]mendment's protection of the free exercise of religion." 139 Cong. Rec. 9683 (May 11, 1993) (statement of Rep. Nadler). Similarly, there is a history of executive officials who believe a court order is unlawful following the court order as to that particular litigant, but refusing to apply the reasoning of the court order to other potential litigants. The judiciary, however, has authority to adjudicate cases and controversies and enter orders that bind the parties.

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

a. Are non-party injunctions constitutional?

Response: The Supreme Court recently held in *Trump v. CASA, Inc.* that "universal" injunctions that go beyond what is necessary to provide full relief to

the parties "can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power." 145 S. Ct. 2540, 2550 (2025). The Court's statutory holding, however, did not resolve whether the Constitution would be violated by such universal relief. The Eleventh Circuit has suggested that such relief "push[es] against the boundaries of judicial power." *Georgia v. President of the United States*, 46 F.4th 1283, 1303 (11th Cir. 2022). If confirmed, I would apply these and other relevant precedents. Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further an issue that could come before me.

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

Response: Please see my answer to question 8a.

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

Response: "Several procedural devices allow nonparties with similar interests to seek the protection of injunctive relief—class certification under Rule 23, joinder and intervention in an existing lawsuit, or even filing a new lawsuit of their own." *Georgia v. President of the United States*, 46 F.4th 1283, 1306 (11th Cir. 2022). If confirmed, I would apply these and other relevant precedents. Under the Code of Conduct for United States Judges it would be inappropriate for me to weigh in further an issue that could come before me.

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: As a general matter, during my service as Alabama Solicitor General, the State led or joined several multi-state lawsuits that may have sought such an injunction or the vacatur of a federal agency rule under the Administrative Procedures Act. For example, the State of Alabama was a plaintiff in *Georgia v. President of the United States*, 46 F.4th 1283 (11th Cir. 2022), in which the district court issued a nationwide injunction that was reversed in part by the Eleventh Circuit for being too broad.

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

Response: No.

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

Response: The text of the 22nd Amendment prohibits any person from being "elected to the office of the President" for a third time. U.S. Const., amend. XXII.

11. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as "USA HATING JUDGES" and "MONSTERS", who "…SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY…"[1]

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

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in on these statements, which are both about political disputes and ongoing litigation.

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

Response: Please see my answer to question 11a.

12. In addition to the President's own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court's ruling against President Trump's tariffs a "judicial coup"[2] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[3]

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

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in on these statements, which are both about political disputes and ongoing litigation.

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

Response: Please see my answer to question 12a.

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?

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[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.

Response: Please see my answer to question 12a.

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

Response: Lower courts should not depart from Supreme Court precedent. As the Supreme Court has repeatedly held, "if a precedent of this Court has direct application in a case," lower courts "should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions." *Agostini v. Felton*, 521 U.S. 203, 237 (1997).

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

In the Eleventh Circuit, only the en banc court can overturn prior panel precedent. *In re Lambrix*, 776 F.3d 789, 794 (11th Cir. 2015). The Eleventh Circuit has recently looked to whether an "earlier decision" was "[]consistent with clear Supreme Court precedent" or with "relevant decision[s] of our sister circuits." *Jones v. Governor of Fla.*, 975 F.3d 1016, 1033 (11th Cir. 2020) (en banc). And the court has considered "reliance interests on that decision." *Id.* As a nominee to the district court, it would be inappropriate for me to opine on when the Eleventh Circuit should overturn its precedent; if confirmed, it will be my job to apply all binding Eleventh Circuit and Supreme Court precedent.

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

Response: When the Supreme Court considers whether to overrule its own precedent, it considers "the strength of the grounds on which" the precedent rests, *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 234 (2022), "the nature of the[] error, the quality of the[] reasoning, the 'workability' of the rules" the precedent imposes, any "disruptive effect on other areas of the law," and the presence or "absence of concrete reliance." *Id.* at 268. The Court has also said that the doctrine of *stare decisis* "is at its weakest when we interpret the Constitution because a mistaken judicial interpretation of that supreme law is often practically impossible to correct through other means." *Ramos v. Louisiana*, 590 U.S. 83, 105-06 (2020) (quotation marks and footnotes omitted). As a nominee to the district court, it would be inappropriate for me to opine on when the Supreme Court should overturn its precedent; if confirmed, it will be my job to apply all binding Eleventh Circuit and Supreme Court precedent.

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

a. *Brown v. Board of Education*

Response: Yes. *Brown v. Board of Education* was correctly decided. While it is typically inappropriate for a nominee to offer views on whether a particular Supreme Court precedent was correctly decided, numerous nominees have made

an exception and offered their views that *Brown* and *Loving v. Virginia* were correctly decided. It is beyond dispute that "[t]he clear and central purpose of the Fourteenth Amendment was to eliminate all official state sources of invidious racial discrimination in the States," *Loving v. Virginia*, 388 U.S. 1, 10 (1967), that anti-miscegenation statutes violate that guarantee of equal treatment, *id.* at 11, as does operating public schools that segregate children through de jure racial discrimination, *Brown v. Board of Education*, 347 U.S. 483, 495 (1954). Thus, in line with the past practice of numerous nominees, I believe it appropriate for me to offer my view that both *Brown* and *Loving* were correctly decided.

b. ***Plyler v. Doe***

Response: Please see my answer to question 16a.

c. ***Loving v. Virginia***

Response: Please see my answer to question 16a.

d. ***Griswold v. Connecticut***

Response: Please see my answer to question 16a.

e. ***Trump v. United States***

Response: Please see my answer to question 16a.

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

Response: Please see my answer to question 16a.

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

Response: Please see my answer to question 16a.

h. ***Obergefell v. Hodges***

Response: Please see my answer to question 16a.

i. ***Bostock v. Clayton County***

Response: Please see my answer to question 16a.

j. ***Masterpiece Cakeshop v. Colorado***

Response: Please see my answer to question 16a.

k. ***303 Creative LLC v. Elenis***

Response: Please see my answer to question 16a.

l. ***United States v. Rahimi***

Response: Please see my answer to question 16a.

m. ***Loper Bright Enterprises v. Raimondo***

Response: Please see my answer to question 16a.

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

Response: At a general level, I understand originalism to mean that, when interpreting a constitutional provision, the role of the judge is to look to the original intent of those who adopted the provision, as evidenced by how the text at issue would have been understood by reasonable people at the time it was adopted. The Supreme Court has interpreted several provisions of the Constitution by looking to the original meaning of the provision. If confirmed, I will interpret any constitutional provision before me as required by Supreme Court and Eleventh Circuit precedent.

18. How do you decide when the Constitution's "original meaning" should be controlling?

When interpreting the Second Amendment, the Supreme Court first looks to whether the "Amendment's plain text covers an individual's conduct." *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 17 (2022). If so, "the Constitution presumptively protects that conduct" unless the government "demonstrate[s] that the regulation is consistent with this Nation's historical tradition of firearm regulation." *Id.* Similarly, in rejecting a recent free speech challenge, the Supreme Court held that, "[w]hen faced with a dispute about the Constitution's meaning or application, '[l]ong settled and established practice is a consideration of great weight.'" *Houston Cmty. Coll. Sys. v. Wilson*, 595 U.S. 468, 474 (2022) (quoting *The Pocket Veto Case*, 279 U. S. 655, 689 (1929)). Likewise, "[a]n analysis focused on original meaning and history … has long represented the rule rather than some 'exception' within the Court's Establishment Clause jurisprudence." *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 536 (2022) (quotation marks omitted). If confirmed, I will interpret any constitutional provision before me as required by Supreme Court and Eleventh Circuit precedent.

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

Response: *Obergefell* is binding Supreme Court precedent, and I would faithfully apply it in cases calling for its application. Otherwise, please see my answer to question 16a.

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

Response: Yes. The Supreme Court recognized in *Loving v. Virginia* that "[t]he clear and central purpose of the Fourteenth Amendment was to eliminate all official state sources of invidious racial discrimination in the States." 388 U.S. 1, 10 (1967). There was "patently no legitimate overriding purpose independent of invidious racial discrimination which justifie[d]" Virginia's law prohibiting interracial marriages. *Id.* at 11.

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

Response: At a general level, the Fourteenth Amendment's Due Process Clause has been interpreted to guarantee certain substantive rights, specifically, those "fundamental rights and liberties which are, objectively, deeply rooted in this Nation's history and tradition." *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997) (quotation marks omitted). Procedural due process typically requires the State to provide certain procedural rights before depriving any person of life, liberty, or property. Sometimes, for example, a court will determine what process is due by balancing the private interests at stake, the value added by additional procedures, and the burdens on the government from adding procedures. *See Mathews v. Eldridge*, 424 U.S. 319, 334-335 (1976). Under Equal Protection Clause doctrine, "if a law neither burdens a fundamental right nor targets a suspect class, [courts] will uphold the legislative classification so long as it bears a rational relation to some legitimate end." *United States v. Skrmetti*, 145 S. Ct. 1816, 1828 (2025). But "laws that classify on the basis of race, alienage, or national origin trigger strict scrutiny and will pass constitutional muster only if they are suitably tailored to serve a compelling state interest." *Id.* (quotation marks omitted). And "sex-based classifications warrant heightened scrutiny." *Id.* Under intermediate scrutiny, "the State must show that the classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives." *Id.* at 1828-29 (quotation marks omitted).

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

"[S]ex-based classifications warrant heightened scrutiny." *United States v. Skrmetti*, 145 S. Ct. 1816, 1828 (2025). Under intermediate scrutiny, "the State must show that the classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives." *Id.* at 1828-29 (quotation marks omitted). The Supreme Court has also applied these clauses to sexual orientation. *See, e.g., Romer v. Evans,* 517 U.S. 620 (1996); *Lawrence v. Texas,* 539 U.S. 558 (2003); *Obergefell v. Hodges,* 576 U.S. 644 (2015). I would faithfully apply these and all other binding precedents if confirmed. Because other issues related to this question are the subject of ongoing litigation, under the Code of Conduct for United States Judges it would be inappropriate for me to weigh in further.

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

Response: Please see my answer to question 17.

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

Response: Please see my answer to question 17.

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

The First Amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." But the Supreme Court has recognized that in some contexts, the First Amendment may apply differently to different people. First example, "New York's regulation in defining obscenity on the basis of its appeal to minors under 17" was upheld as consistent with the First Amendment. *Ginsberg v. New York*, 390 U.S. 629, 638 (1968). And the Court recently reaffirmed that "while laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference, such scrutiny is unwarranted when the differential treatment is justified by some special characteristic of the particular speaker being regulated." *TikTok Inc. v. Garland*, 604 U.S. 56, 72-73 (2025) (cleaned up). If confirmed, I will apply all binding First Amendment precedents.

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

The Supreme Court recently summarized that "a law is content based on its face if it applies to particular speech because of the topic discussed or the idea or message expressed." *TikTok Inc. v. Garland*, 604 U.S. 56, 70 (2025) (cleaned up). And even "a facially content-neutral law is nonetheless treated as a content-based regulation of speech if it cannot be justified without reference to the content of the regulated speech or was adopted by the government because of disagreement with the message the speech conveys." *Id.* at 70-71 (cleaned up).

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

"True threats are serious expressions conveying that a speaker means to commit an act of unlawful violence." *Counterman v. Colorado*, 600 U.S. 66, 74 (2023) (cleaned up). The speaker must have acted at least recklessly for the statement to not be protected by the First Amendment; that is, the speaker must at least be "aware that others could regard his

statements as threatening violence," yet he "delivers them anyway." *Id.* at 79 (cleaned up).

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

Response: The Supreme Court has held that Fifth Amendment's "Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). In any case, there will still remain a question of what "process" is "due." To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

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

Response: Please see my answer to question 28.

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

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

Response: Because this question asks about matters that are the subject of ongoing litigation, under the Code of Conduct for United States Judges, it would be inappropriate for me to answer.

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

Response: Please see my answer to question 30a.

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

Response: Yes, I believe it is important that anyone who wishes to serve in the judicial branch is considered without regard to their race, sex, ethnicity, religion, or other protected characteristic. Excluding a candidate for service based on such characteristics would be an affront to his or her individual dignity and would deprive the judicial branch of talented public servants.

32. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my

time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

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

Response: As with any other federal law, judges should impartially apply the requirements of the First Step Act, and precedents interpreting it, whenever applicable.

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

Response: I will fully and fairly apply all applicable laws governing sentencing determinations, including 18 U.S.C. § 3553.

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

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

Response: I am not familiar with this statement, its context, or what the author meant by "traditional values."

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

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

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me to comment on these statements, which are both about political disputes and ongoing litigation.

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

Response: Please see my answer to question 33(b)(i).

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

Response: If confirmed, I will evaluate all my associations and memberships for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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: During my selection process, I have not spoken to or corresponded with Leonard Leo or Steven G. Calabresi. To the best of my knowledge and recollection, I did not talk with any Federalist Society officials or employees as part of my selection process. To the extent this question asks about conversations with Federalist Society members or officials that occurred between the time of my contact with staff for Senators Tuberville and Britt and my nomination, I note that the Federalist Society has tens of thousands of members and dozens of officials. I have several friends who are members or officials, and I generally shared some information about my selection process with them.

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

Response: Yes. I have been invited and have accepted invitations to speak to Federalist Society student chapters at law schools and to chapters for lawyers. In law school, I helped organize events for the Yale Law School chapter. After law school, I helped organize events as a board member for the Houston Lawyers Chapter and as part of the steering committee for the DC Young Lawyers Chapter.

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

Response: To the best of my recollection, I have not been paid any honoraria.

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

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

Response: I have been a member since 2014. I do not recall how many meetings I have attended, but I would estimate on average about two to three events per year.

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

Response: During my selection process, I have not spoken to or corresponded with Leonard Leo. To the best of my knowledge and recollection, I did not speak or correspond with any Teneo officials or employees as part of my selection process. To the extent this question asks about conversations with Teneo members or officials that occurred between the time of my contact with staff for Senators Tuberville and Britt and my nomination, I note that Teneo has many members and officials, and I do not know everyone who may be a member or official. I have several friends who are members or officials, and I generally shared some information about my selection process with them.

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

Response: Yes. I spoke at a Teneo event about Alabama's litigation in *Boe v. Marshall* and the State's amicus brief in *United States v. Skrmetti*. I have also helped organize and participate in small group discussions.

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

Response: To the best of my recollection, I have not been paid any honoraria.

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

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

Response: During my selection process, I have not spoken to or corresponded with Kevin D. Roberts. To the best of my knowledge and recollection, I did not speak or correspond with any other individuals associated with the Heritage Foundation or Heritage Action as part of my selection process. To the extent this question asks about conversations with such individuals about matters unrelated to my selection process, I have corresponded with Heritage Foundation employees about a matter that the Alabama Attorney General's Office is litigating.

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

Response: Yes. I spoke on a panel about Voting Rights Act litigation at a Heritage Foundation event in October 2024.

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

Response: No.

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

Response: No.

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

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

Response: To the best of my knowledge, during my selection process, I have not spoken to or corresponded with any individuals associated with AFPI.

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

Response: No.

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

Response: No.

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

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

Response: During my selection process, I have not spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein. To the best of my knowledge and recollection, I did not speak or correspond with any other individuals associated with AFLI as part of my selection process. To the extent this question asks about conversations unrelated to my selection process, I corresponded with lawyers at America First Legal about them filing a motion to allow attorneys from the Alabama Attorney General's Office to appear pro hac vice in a case.

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

Response: No.

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

Response: No.

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

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

Response: During my selection process, I have not spoken to or corresponded with Mike Davis, Will Chamberlain, or Josh Hammer. To the best of my knowledge and recollection, I did not speak or correspond with any other individuals associated with the Article III Project 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.

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

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

Response: I have a few friends who work at ADF who I kept apprised of significant developments 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: Yes. In August 2021, I participated in an online discussion with incoming first-year law students about my background, path to law school, and legal career. In July 2022, I spoke on a panel that discussed recent developments in free exercise jurisprudence. And in *Grace Christian Life v. Woodson*, No. 5:16-CV-202-D, 2016 WL 3194365 (E.D.N.C. June 4, 2016), I worked with ADF lawyers to provide pro bono representation to a student group at North Carolina State University whose members had been told by a university employee that they could not invite other students to their group's meetings without first acquiring a permit from the university.

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

Response: Sometime before 2018, I participated as a mock interviewer to help prepare law students for job interviews. I believe I was paid a few hundred dollars for working with them for the day.

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

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

Response: During my selection process, I have not spoken to or corresponded with Leonard Leo or Carrie Severino. To the best of my knowledge and recollection, I did not speak or correspond with any other individuals associated with the groups listed above.

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

Response: No.

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

Response: No.

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

Response: I am unaware of any such donations in support of my nomination. Any advocacy for or against my nomination would not bear on how I would decide cases if I am confirmed. To the extent that this question asks about policy or legal views on whether certain donations should be disclosed, under the Code of Conduct for United States Judges, it would be inappropriate for me to answer.

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

Response: I am unaware of any such donations. If confirmed, I will address all potential or actual conflicts in accordance with the federal recusal statute, the Code of Conduct for United States Judges, and any other laws and rules governing disqualification. Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues. To the extent that this question asks about policy or legal views on whether certain donations should be disclosed, under the Code of Conduct for United States Judges, it would be inappropriate for me to answer.

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

Response: Please see my answer to question 40e.

Nomination of Edmund Gerard LaCour Jr.
Nominee to the United States District Court for the Northern District of Alabama
Questions for the Record
Submitted September 10, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

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

1. You have disclosed that you are a member of the Teneo Network. Why did you join that organization?

   Response: My wife was invited to join in 2014, and friends recommended the group as a good resource for finding community, networking, and learning more about current issues.

2. What activities have you engaged in as part of the Teneo Network?

   Response: I have attended a few retreats, several dinner gatherings, and several holiday parties. I spoke at a Teneo event about Alabama's litigation in *Boe v. Marshall* and the State's amicus brief in *United States v. Skrmetti*. I have also helped organize and participate in small group discussions.

   a. Have you participated in creating any agenda for the Teneo Network? If yes, please describe.

      Response: No. As I noted above, I helped organize and participate in small group discussions, but I have not participated in creating an agenda for the group.

   b. Have you participated in any fundraising for the Teneo Network? If yes, please describe.

      Response: I have donated to the group, but I do not recall otherwise having participated in fundraising.

3. Do you know Leonard Leo?

   Response: Yes.

   a. If so, how do you know Leo?

      Response: My recollection is that we met at a Federalist Society event.

   b. Have you ever communicated with Leo? If so, state how many times and describe the communication(s).

Response: I have spoken briefly with Leo on a handful of occasions at events with other lawyers, typically about current events. We once spoke briefly on the phone regarding a legal issue.

4. Have you ever spoken with Leonard Leo about your nomination? If so, please describe the conversation(s).

   Response: No.

5. Do you agree with the Teneo Network's stated goal to "crush liberal dominance" across America?

   Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me to comment on any subject of political controversy or to express a position regarding matters of public policy.

   a. Do you intend to "crush liberal dominance" from the bench? If so, how?

      Response: If I am confirmed, I do not intend to advance or oppose any political agenda. Rather, in the words of the judicial oath, I intend to "administer justice without respect to persons, and do equal right to the poor and to the rich, and … faithfully and impartially discharge and perform all the duties incumbent upon" me "under the Constitution and laws of the United States." 28 U.S.C. § 453. That requires impartially interpreting the law without regard to any personal or policy views.

6. Did you speak with anyone affiliated with the Teneo Network regarding your judicial nomination? If so, with whom did you speak and what was said?

   Response: To the best of my knowledge and recollection, I did not speak with any Teneo officials or employees as part of my selection process. To the extent this question asks about conversations with Teneo members or officials that occurred between the time of my contact with staff for Senators Tuberville and Britt and my nomination, I note that Teneo has many members and officials, and I do not know everyone who may be a member or official. I have several friends who are members or officials, and I generally shared some information about my selection process with them.

7. You have disclosed that you are a member of the American Enterprise Institute. Why did you join that organization?

   Response: A friend recommended the group's Enterprise Club as a way to network with other young professionals and learn more about the scholarship produced by AEI.

8. What activities have you engaged in as part of the American Enterprise Institute?

Response: When I lived in Washington, DC, I attended several dinners at AEI where other young professionals and AEI scholars would gather and hear from the scholars. I recall attending at least one event in Birmingham, Alabama, after moving to Alabama in 2018.

a. Have you participated in creating any agenda for the American Enterprise Institute? If yes, please describe.

   Response: No.

b. Have you participated in any fundraising for the American Enterprise Institute? If yes, please describe.

   Response: I have donated to the group, but I do not recall otherwise having participated in fundraising

9. Did you speak with anyone affiliated with the American Enterprise Institute regarding your judicial nomination? If so, with whom did you speak and what was said?

   Response: No.

Senate Judiciary Committee
Nomination Hearing
September 3, 2025
Questions for the Record
Senator Amy Klobuchar

For Edmund LaCour, nominee to be U.S. District Judge for the Northern District of Alabama

1. As Solicitor General for the State of Alabama, you defended a congressional redistricting plan that would have included a single majority-Black district in Alabama, despite the fact that Alabama's population is thirty percent African American.

   Chief Justice Roberts, in his opinion for the Court, wrote that: "The heart of these cases is not about the law as it exists. It is about Alabama's attempt to remake our §2 jurisprudence anew" and that Alabama's "reading of §2, by contrast, runs headlong into our precedent." He also wrote: "we find Alabama's new approach to §2 compelling neither in theory nor in practice" and that Alabama's "understanding of §2 cannot be reconciled with our precedent."

   - Do you agree with Chief Justice Roberts that Alabama legal arguments ignored Supreme Court precedent and would "remake" the *Voting Rights Act* if adopted?

     Response: In February 2022, in Alabama's litigation over that congressional plan, Chief Justice Roberts wrote of § 2 redistricting precedent that "it is fair to say that *Gingles* and its progeny have engendered considerable disagreement and uncertainty regarding the nature and contours of a vote dilution claim," and that there were a "wide range of uncertainties arising under *Gingles*." *Merrill v. Milligan*, 142 S. Ct. 879, 882-83 (2022) (Roberts, C.J., dissenting). Alabama presented arguments to the Court both as to why the State should prevail under the Court's precedent and how the Court should resolve the uncertainties that remained under the Court's precedent. Ultimately, the Court affirmed the district court's preliminary finding of a likely § 2 violation as "a faithful application of our precedents." *Allen v. Milligan*, 599 U.S. 1, 42 (2023). Under the Code of Conduct for United States Judges, it would be inappropriate for me to offer my personal views on whether that Supreme Court precedent was correctly decided.

2. After the Court's decision in *Allen v. Milligan,* Alabama passed new maps which again included only a single majority-Black congressional district in the state. This summer, a three-judge panel struck down these maps as also violating the *Voting Rights Act* and directed the state to use a court ordered map.

   When it issued its preliminary injunction in 2023, the Supreme Court wrote: "We are deeply troubled that the State enacted a map that the State readily admits does not provide the remedy we said federal law requires. We are disturbed by the evidence that the State delayed remedial proceedings but ultimately did not even nurture the ambition to provide the required remedy."

   - After the Court's decision in *Allen v. Milligan*, were you involved in any way in the redrawing of Alabama's congressional maps?

Response: My role in Alabama's redistricting was and is as an attorney, and both attorney-client privilege and legislative privilege limit what I can share about legal advice and ongoing litigation. But there was testimony in *Singleton v. Allen*, 782 F. Supp. 3d 1092 (2025), that I provided members of the Alabama Legislature legal advice on how to draft redistricting legislation that could comply with the "competing hazards of liability" (*Abbott v. Perez*, 585 U.S. 579, 587 (2018)) imposed by § 2 of the Voting Rights Act and the Equal Protection Clause. There was testimony that this advice included suggestions as to different ways the legislation could be drafted, *Singleton*, 782 F. Supp. 3d at 1151, including by suggesting draft legislative findings, *id.* at 1153. There was also testimony that I provided talking points for a member of the Legislature. *Id.* at 1187.

- Why did the redrawn maps fail to consider the directives of the Supreme Court and the U.S. District Court for the Northern District of Alabama?

  Response; Alabama has argued, and continues to argue before the Supreme Court, that the 2023 Plan responded to the positions of the district court and Supreme Court that Alabama's 2021 Plan likely violated § 2 by providing disparate treatment to two different communities of interest in Alabama that resulted in discriminatory effects on account of race. Plaintiffs had argued that the 2021 Plan had kept "the Gulf Coast counties together" but split a majority-black community of interest called the Black Belt. *Singleton v. Merrill*, 582 F. Supp. 3d 924, 1012 (N.D. Ala. 2022). And they argued that "one way to split the Black Belt less is to split the Gulf Coast counties and include some of the population of Mobile County with a district that also includes part of the Black Belt." *Id.* Along those lines, the Supreme Court concluded that Plaintiffs' alternative plans, which split the Gulf Coast but closed splits in the Black Belt, were "reasonably configured" when compared to the State's 2021 plan because "[t]here would be a split community of interest in both." *Allen v. Milligan*, 599 U.S. 1, 21 (2023). The 2023 Plan provided equal treatment to those communities by closing splits in the Black Belt while also avoiding splits for the Gulf Coast. By doing so, the black voting age population in District 2 rose from around 30% to around 40%. But after two years of discovery and a full trial, the district court concluded in 2025 that § 2 requires Alabama not just to keep the Black Belt together, but to split the Gulf Coast to combine black voters in Mobile with black voters more than 200 miles away. On appeal, the State is arguing that the district court's opinion misapplies § 2 and raises serious constitutional questions.

  Moreover, the State's position is that while the Supreme Court affirmed the district court's liability finding, the Supreme Court did not opine on the district court's statements about how a likely remedy would need to be crafted.

  The State also continues to argue that even if the 2023 Plan did not match the expectations the district court set forth in its preliminary injunction opinion, it was not defiant to continue to litigate the merits of that assessment. As the Supreme Court recently reemphasized, preliminary injunctions issue based on "procedures that are less formal and evidence that is less complete than in a trial on the merits." *Lackey v. Stinnie*, 145 S.Ct. 659, 667 (2025). Courts often "reach[] a different conclusion upon full consideration of the merits." *Id.* The 2023 Legislature could have thought that with a full

chance to make its case, that it might be able to rebut plaintiffs' evidence that black voters in Alabama "have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." 52 U.S.C. § 10301(b). The State had recently prevailed on similar arguments in the previous two § 2 vote-dilution challenges against the State that had been litigated to final judgment. *See Ala. Leg. Black Caucus v. Alabama*, 989 F. Supp. 2d 1227, 1287 (M.D. Ala. 2013); *Ala. St. Conf. NAACP v. Alabama*, 612 F. Supp. 3d 1232 (M.D. Ala. 2020).

And the State continues to argue that the 2023 Legislature declined to place the race of voters ahead of traditional districting principles because doing so would likely open the State up to claims that it has violated the Constitution's Equal Protection Clause. The State had faced similar claims against its 2021 Plan, which the district court did not rule on in its 2022 preliminary injunction order, but the court deemed the constitutional issues to be "complicated." *Singleton v. Merrill*, 582 F. Supp. 3d 924, 1035 (N.D. Ala. 2022). And in *SFFA v. Harvard*, 600 U.S. 181 (2023), the Supreme Court held that the consideration of race in Harvard University's admissions process violated the Equal Protection Clause. Three Justices noted in dissent that the "consideration of race" needed for "achieving racial diversity in higher education" is "[j]ust like" the "consideration of race" needed for "drawing district lines that comply with the Voting Rights Act." 600 U.S. at 361 n.34 (Sotomayor, J., dissenting).

3. The President has floated the idea of ending mail-in voting nationwide. In 2024, 36 states, including Minnesota, allowed voters to vote by mail, and nearly a third of voters used it to cast their ballots. The President claims that "the States are merely an 'agent' for the Federal Government, as represented by the President of the United States, tells them."

   - As a state official, do you believe the President is correct?

     Response: Under the Code of Conduct for United States Judges, it would not be appropriate for me as a judicial nominee to weigh in on this political and policy issue, which could come before me if I am confirmed to serve as federal judge.

   - Do you agree that the Constitution makes clear the regulation of elections is the power of the states or Congress, not the President?

     The Elections Clause provides: "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators." Const. art. I, § 4, cl. 1. To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending, under the Code of Conduct for United States Judges it would be inappropriate for me to weigh in further.

Nomination of Edmund Gerard LaCour, Jr. to the
United States District Court for the Northern District of Alabama
Questions for the Record
Submitted September 10, 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: The role of a federal judge in our system of separated powers is critical, but limited. The legislative branch enacts laws, the executive branch executes them, and the judicial branch ensures that in a case or controversy involving those laws, the law is properly applied, whether that be a statute or the Constitution. Thus, judges take up only those legal issues properly brought before them and within their jurisdiction. And they, in the words of the judicial oath, "administer justice without respect to persons, and do equal right to the poor and to the rich, and … faithfully and impartially discharge and perform all the duties incumbent upon" them "under the Constitution and laws of the United States." 28 U.S.C. § 453. In my view, that requires impartially interpreting the law (whether statutory or constitutional) based on the text adopted by lawmakers as understood by the public at the time that text became law and in accordance with binding precedent. That requires the judge to apply the law without resort to the judge's personal or policy views.

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

   Response: The Fourteenth Amendment's Due Process Clause has been interpreted to guarantee certain substantive rights, specifically, those "fundamental rights and liberties which are, objectively, deeply rooted in this Nation's history and tradition." *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997) (quotation marks omitted). If I were confirmed, I would faithfully apply the standards set forth in *Glucksberg* and other applicable Supreme Court precedent.

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

Response: Yes. The Supreme "Court's incorporation of certain guarantees in the Bill of Rights … is … long established." *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010) (Scalia, J., concurring). "With only 'a handful' of exceptions, th[e Supreme] Court has held that the Fourteenth Amendment's Due Process Clause incorporates the protections contained in the Bill of Rights, rendering them applicable to the States." *Timbs v. Indiana*, 586 U.S. 146, 150 (2019).

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

Response: Yes. Many Supreme Court decisions have looked to whether an asserted right is "deeply rooted in this Nation's history and tradition." *Timbs v. Indiana*, 586 U.S. 146, 150 (2019) (quoting *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010)). If I were to hear a case requiring that analysis, I would consult the same types of sources the Supreme Court has relied on its substantive due process decisions. For example, in *Timbs*, the Court considered whether a right to be free from excessive fines was deeply rooted in our Nation's history and tradition. The Court noted that the Eighth Amendment's "Excessive Fines Clause traces its venerable lineage back to at least 1215, when Magna Carta" guaranteed a similar right. 586 U.S. at 151. The English Bill of Rights provided a similar guarantee. *Id.* at 152. And "[i]n 1787, the constitutions of eight States—accounting for 70% of the U.S. population—forbade excessive fines." *Id.* (citing Calabresi, Agudo, & Dore, *State Bills of Rights in 1787 and 1791*, 85 S. Cal. L. Rev. 1451, 1517 (2012)).

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

Response: Yes. If binding precedent already recognizes the right, I would be bound to recognize it as well. If there is no binding precedent, I would still consider opinions from other courts for their persuasive authority.

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

Response: Yes.

e. What other factors would you consider?

Response: I would consider any other factors identified in applicable precedent from the Supreme Court and the Eleventh 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: Lower courts should not depart from binding precedent issued by a higher appellate court. As the Supreme Court has repeatedly held, "if a precedent of this Court has direct application in a case," lower courts "should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions." *Agostini v. Felton*, 521 U.S. 203, 237 (1997).

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

   a. In your role as Alabama's Solicitor General, you filed a brief asserting that transgender status is not a quasi-suspect class. Would you recuse yourself from any cases involving allegations of discrimination against transgender people?

      Response: I will recuse myself from any case in which I have been involved. More generally, if confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances.

   b. Have you authored briefs in support of President Trump that were docketed in his criminal cases?

      Response: Yes.

   c. Because you have weighed in explicitly on President Trump's side in a legal matter, will you recuse yourself from cases involving challenges to President Trump's actions?

      Response: I will recuse myself from any case in which I have been involved. More generally, if confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances.

   d. Why should the people of Alabama trust that you will review claims against President Trump fairly when you have previously advocated on his behalf?

      Response: The decision as to whether the State of Alabama files an amicus brief in a case belongs to the Alabama Attorney General. Throughout my career, I have upheld my oath to advocate zealously for my client, no matter my personal views. For example, in private practice, I represented criminal defendants and habeas petitioners; in public service, I have litigated against criminal defendants and

habeas petitioners. In each case, I have pressed whatever good faith arguments my client had available, regardless of my views of what might be an ideal policy outcome. My work on amicus briefs in *United States v. Trump* is no different. If I am so fortunate as to be confirmed and take the judicial oath, I will likewise set aside my personal views and provide impartial justice, seeking to get to the answer commanded by the law, not any policy preference.

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

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

      Response: If confirmed, I would faithfully apply any relevant precedents of the Supreme Court and the Eleventh 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 relevant precedents of the Supreme Court and the Eleventh Circuit governing the consideration of such evidence. The admissibility of scientific, technical, or other specialized knowledge in the determination of adjudicative facts is governed by Federal Rule of Evidence 702 and precedent construing that rule, among other standards.

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

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

Response: Yes. If confirmed, I would follow all directives of Congress, including considering supervised release and the recommendations of the Sentencing Commission.

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

Response: Congress has determined that "terminat[ing] a term of supervised release" early can in certain circumstances serve "the interest of justice," which could include providing an incentive for individuals to rehabilitate. 18 U.S.C. § 3583(e)(1).

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

Response: Yes.

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

Response: "Under Article II, the Executive Branch possesses authority to decide 'how to prioritize and how aggressively to pursue legal actions against defendants who violate the law.'" *United States v. Texas*, 599 U.S. 670, 678 (2023) (quoting *TransUnion LLC v. Ramirez*, 594 U.S. 413, 429 (2021)). At the same time, the Constitution requires the president to "take Care that the Laws be faithfully executed." Art. II, § 3. While "Take Care Clause" claims have been raised in litigation, I am not aware of any case that has squarely held that the President has violated the Take Care Clause. The precise interaction of these principles is a matter of ongoing dispute and could come before me as a judge, if I am confirmed. Thus, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

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

Response: The text of the 22nd Amendment prohibits any person from being "elected to the office of the President" for a third time. U.S. Const., amend. XXII.

10. Who won the 2016 U.S. Presidential Election?

Response: Donald Trump was certified as the winner of the 2016 U.S. Presidential Election.

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

    Response: Joe Biden was certified as the winner of the 2020 U.S. Presidential Election.

12. Who won the 2024 U.S. Presidential Election?

    Response: Donald Trump was certified as the winner of the 2024 U.S. Presidential Election.

13. 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: If expression does not fall into a category of speech excluded from constitutional protection, the First Amendment generally limits the government's ability to regulate the expression based on viewpoint. Under the Code of Conduct for United States Judges, it would be inappropriate for me to comment further on this hypothetical, lest I be seen as prejudging a case that could come before me.

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

    Response: How the events at the Capitol on January 6, 2021, are characterized is a matter of political debate and was the subject of litigation in *Trump v. Anderson*. Moreover, the effect of pardons issued to those prosecuted for actions taken related to the events at the Capitol on January 6, 2021, is subject to ongoing litigation that could arise in cases that could come before me if I am confirmed to serve as a district court judge. Thus, under the Code of Conduct for United States Judges, it would be inappropriate for me to address these issues.

15. 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: In *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990), the Supreme Court recognized that the First Amendment placed some limits on state officials regarding discharging certain public employees based on political affiliation. But I have not had occasion to research whether or how these principles or others might apply to contracts with the federal government. To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges it would be inappropriate for me to weigh in further.

16. 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: The question asks about current alleged political disputes and ongoing litigation. Under the Code of Conduct for United States Judges, it would be inappropriate for me to comment.

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

    Response: In *Griswold v. Connecticut*, 381 U.S. 479 (1965), the Supreme Court assessed a state law banning the use of contraceptives or assisting others in obtaining contraceptives. The Court held that the law unconstitutionally intruded upon a constitutional right of marital privacy. The Supreme Court then later recognized that "a prohibition on contraception per se … violates the rights of single persons under the Equal Protection Clause of the Fourteenth Amendment." *Eisenstadt v. Baird*, 405 U.S. 438, 443 (1972). As a district court judge, I would be bound to follow all binding precedent.

18. Do you believe that a federal statute banning abortions nationwide would be constitutional?

    Response: It would be inappropriate for me to forecast how I might rule in a case that could come before me. To the extent the question asks for my personal political views, under the Code of Conduct for United States Judges, it would be inappropriate for me to provide my political or policy views.

19. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

    Response: The Supreme Court has recognized that "freedom to travel throughout the United States has long been recognized as a basic right under the Constitution." *United States v. Guest*, 383 U.S. 745, 758 (1966).

    a. Do you think it is constitutional for a state to restrict the interstate travel of its citizens?

       Response: The Supreme Court has stated that "[t]he 'right to travel' discussed in our cases embraces at least three different components. It protects the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State." *Saenz v. Roe*, 526 U.S. 489, 500 (1999). To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under

the Code of Conduct for United States Judges it would be inappropriate for me to weigh in further.

20. Do you believe that the Constitution protects a fundamental right to privacy?

Response: The Supreme Court has recognized a constitutional right to privacy in certain contexts. For example, in *Eisenstadt v. Baird*, 405 U.S. 438 (1972), the Court opined that "[i]f the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child." 405 U.S. 438, 453 (1972). If confirmed, I would faithfully apply all binding precedent.

a. Does that right extend to information about your health care and medical history?

Response: The Eleventh Circuit has "acknowledged a constitutional right to privacy … for intimate personal information given to a state official in confidence." *Pryor v. Reno*, 171 F.3d 1281, 1288 n.10 (11th Cir. 1999) (citing *James v. City of Douglas*, 941 F.2d 1539, 1544 (11th Cir. 1991). To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

b. Do you agree that it is a violation of that right for states to surveil people's health care and medical history?

Response: In *Whalen v. Roe*, 429 U.S. 589 (1977), the Supreme Court considered whether the State of New York could record the names and addresses of all persons who have obtained, pursuant to a doctor's prescription, certain drugs for which there is both a lawful and an unlawful market. Plaintiffs argued that such recording violated their rights of privacy, but the Supreme Court rejected that challenge. If a challenge to a state action like that posited in the question came before me, I would faithfully apply all applicable precedent. But it would be improper for me as a judicial nominee to forecast how I might rule in a case that could come before me. To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

21. 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: In *Skinner v. Oklahoma*, the Supreme Court referred to procreation as "fundamental to the very existence and survival of the [human] race" and as a "basic civil right[ ] of man." 316 U.S. 535, 541 (1942). In *Morrissey v. United States*, 871 F.3d 1260 (11th Cir. 2017), the plaintiff relied on *Skinner* to argue that the government's refusal to

provide him a tax deduction for costs related to IVF violated his "fundamental right to father a child through the use of advanced IVF procedures." *Id.* at 1269. The Eleventh Circuit held that the plaintiff did not have "fundamental right to procreate via an IVF process that necessarily entails the participation of an unrelated third-party egg donor and a gestational surrogate." *Id.* If confirmed, I would faithfully apply any relevant precedents of the Supreme Court and the Eleventh Circuit. To the extent this question asks for my personal views or to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

22. Do you believe that the Constitution's Equal Protection Clause prohibits discrimination based on sex?

Response: Under the Equal Protection Clause, laws that discriminate based on sex are unconstitutional unless they satisfy heightened scrutiny. *United States v. Skrmetti*, 145 S. Ct. 1816, 1828 (2025). *Id.* Under intermediate scrutiny, "the State must show that the classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives." *Id.* at 1828-29 (quotation marks omitted). I would apply all binding Equal Protection Clause precedent. To the extent the question asks for my personal views about whether decisions were correctly decided, it would be inappropriate for me as a nominee to weigh in further.

a. Do you believe that women are a quasi-suspect class constituting heightened protection under the Constitution's Equal Protection Clause?

Response: Please see my answer to question 22.

b. Do you believe that homosexual people are a quasi-suspect class constituting heightened protection under the Constitution's Equal Protection Clause?

Response: Though the Supreme Court held in *United States v. Windsor*, 570 U.S. 744, 770 (2013), that the Defense of Marriage Act violated the "Constitution's guarantee of equality," the Court declined to opine on whether homosexual people are a quasi-suspect class. To the extent this question asks for my personal views or to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

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

Response: The Supreme Court has held that Fifth Amendment's "Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence

here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). In any case, there will still remain a question of what "process" is "due." To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

24. Does the public's original understanding of the scope of a constitutional provision constrain its application decades later?

Response: At a general level, I understand originalism to mean that, when interpreting a constitutional provision, the role of the judge is to look to the original intent of those who adopted the provision, as evidenced by how the text at issue would have been understood by reasonable people at the time it was adopted. The Supreme Court has interpreted several provisions of the Constitution by looking to the original meaning of the provision. At the same time, the Court has explained that "[t]hese precedents were not meant to suggest a law trapped in amber." *United States v. Rahimi*, 602 U.S. 680, 691 (2024). For example, "the Second Amendment is not limited only to those arms that were in existence at the founding," and it "permits more than just those regulations identical to ones that could be found in 1791. Holding otherwise would be as mistaken as applying the protections of the right only to muskets and sabers." *Id.* at 691-92. The court's task is to "ascertain whether the new law is 'relevantly similar' to laws that our tradition is understood to permit, applying faithfully the balance struck by the founding generation to modern circumstances." *Id.* at 692 (cleaned up). If confirmed, I will interpret any constitutional provision before me as required by Supreme Court and Eleventh Circuit precedent.

25. What sources would you employ to discern the contours of a constitutional provision?

Response: I would first determine whether binding precedent has defined the contours of the provision or provided an interpretive method for courts to apply to the provision. If so, I would apply that precedent. If not, I would consider the text of the provision, its place in the broader context of the Constitution, historical sources that shed light on the meaning of that text, decisions from other courts interpreting that provision or similar provisions, and any other sources that could help me discern the meaning of the text.

26. Do you believe that Section 2 of the Voting Rights Act is constitutional?

Response: The question of whether § 2 of the Voting Rights Act is constitutional as applied to districting laws is currently pending in courts. Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

a. Do you believe that to establish a violation of Section 2 of the Voting Rights Act a plaintiff needs to prove intentional discrimination? Explain.

The Supreme Court has held "that § 2 turns on the presence of discriminatory effects, not discriminatory intent." *Allen v. Milligan*, 599 U.S. 1, 25 (2023). At the

same time, the Supreme Court has also instructed courts assessing a § 2 challenge to consider "the policy underlying the State's or the political subdivision's use of the contested practice or structure." *Thornburg v. Gingles*, 478 U.S. 30, 45 (1986); *see also Brnovich v. Democratic Nat'l Comm.*, 594 U.S. 647, 671-72 (2021) ("[I]t is important to consider the reason for the rule. Rules that are supported by strong state interests are less likely to violate § 2."); *Rose v. Sec'y, State of Georgia*, 87 F.4th 469, 485 (11th Cir. 2023) ("[W]e analyze plaintiffs' proposed remedy and look to a state's policy interests and rationales as one part of that larger undertaking."). To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges it would be inappropriate for me to weigh in further.

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

Response: The role of a federal judge is to decide legal claims based on arguments presented by the parties, in light of applicable law, binding precedent, and the text of the statute, regulation, or constitutional provisions at issue. Judges are bound by oath to faithfully and impartially apply the law, not their personal beliefs or preferences.

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

Response: There are some instances where judges are required to consider the practical consequences of a particular ruling. For example, in considering whether to grant a stay of an order, courts consider not only "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits;" but also the more practical considerations of "(2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Nken v. Holder*, 556 U.S. 418, 426 (2009). Courts have also recognized that when interpreting a statute, "absurd results are to be avoided." *United States v. Turkette*, 452 U.S. 576, 580 (1981).

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

Response: "A judge should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity. A judge should require similar conduct by those subject to the judge's control, including lawyers to the extent consistent with their role in the adversary process." Canon 3(A)(3) of the Code of Conduct for United States Judges. Likewise, a judge should not lose sight of the real-world impacts of his or her rulings. But a judge must also "administer justice without respect to persons, and do equal right to the poor and to the rich, and … faithfully and impartially discharge and perform" the judicial role (28 U.S.C. § 453) based on an impartial application of the law, not personal beliefs.

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

    Response: A judge's personal life experience will hopefully aid him or her in being patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals; and will hopefully have prepared him or her to perform the duties of the office with excellence and efficiency.

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

    Response: The normal practice for any party who has been bound by a federal court order is to seek a stay of that order from the district court, and from appellate courts if needed, and to appeal the order when the applicable law provides for an appeal. If an order I issued were stayed by me or a higher court, the parties before me would not need to comply with the order while the stay would be in effect. If a party did not obtain a stay and did not comply with my order, I would fairly entertain the party's argument that it has a valid defense to non-compliance or that its non-compliance should otherwise be excused.

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

       Response: Please see my answer to question 31.

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

       Response: Generally speaking, if I were a federal judge, and a party failed to comply with an order, I would consider issuing a show cause order or other order requiring the party to provide information about whether it has complied with the order or taken steps to do so. If after hearing from the parties, I concluded the order was violated, I would consider potential sanctions, including through civil contempt or criminal contempt proceedings. I would also fairly entertain the party's argument that it has a valid defense to non-compliance or that its non-compliance should otherwise be excused.

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

    Response: I have been blessed to practice with and before many excellent lawyers and jurists over the course of my legal career, many who I consider to be role models. As I mentioned at the hearing, during my year clerking for Chief Judge William Pryor of the

Eleventh Circuit and since, I have been inspired by his firm commitment to the rule of law and his diligence in performing his duties as a federal judge.

33. Discuss your proposed hiring process for law clerks.

Response: Out of respect for the Senate's pending consideration of my nomination, I have not yet developed a proposed hiring process for law clerks. But I intend to review all applications that are submitted, including recommendations, references, grades, and work product. I will then try to identify clerks who are likely to take the job seriously, perform it well, and treat others in the courthouse with dignity and respect.

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

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me to address this legislative proposal.

34. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: While I will have not yet formulated particular chambers policies, as a general matter, I would be willing to consider any policies that would help ensure that the clerks and other staff who would work in my chambers are treated with respect and not subject to misconduct.

b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: Please see my answer to question 34a.

c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: Generally, I would consider taking whatever steps would be warranted by the circumstances, keeping in mind the seriousness and credibility of the allegations and the privacy of the individuals concerned.

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

Response: I would consider issuing such a standing order. For junior lawyers, opportunities to present argument to a court can help them develop their legal abilities to better serve their clients and, by extension, the courts.

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

Response: In my current role, I look for opportunities to give junior attorneys the opportunity to take on significant responsibilities, including arguments and depositions. I would generally encourage parties before me to do the same where appropriate and would seek additional ways to promote the development of junior lawyers.

36. Do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned?

Response: The Constitution empowers the President to issue pardons. Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

37. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: Please see my answer to question 36.

38. Do you consider yourself an originalist?

Response: I generally consider myself to be an originalist, to the extent that means that the role of a judge when interpreting a constitutional provision is to look to the original intent of those who adopted the provision, as evidenced by how the text at issue would have been understood by reasonable people at the time it was adopted. But if confirmed to serve as a district court judge, it is likely that for most of the constitutional issues that come before me, there will be precedent regarding what the constitutional provision means and/or how it is to be interpreted. I would apply all binding precedent, including on issues of how to interpret constitutional provisions.

a. You said during your Senate Judiciary Committee confirmation hearing that *Brown v. Board of Education* was correctly decided. Can you explain how the Court's decision in *Brown* comports with an originalist interpretation of constitutional law?

Response: While this topic is the subject of scholarly debate, Professor Michael McConnell has set forth evidence from around the time of the ratification of the Fourteenth Amendment that supports the proposition that the outcome of *Brown v. Board of Education* is consistent with an originalist interpretation of the Fourteenth Amendment. *See* Michael W. McConnell, *Originalism and the Desegregation Decision,* 81 Va. L. Rev. 947 (1995). He documents, for example, that in the first few years following the enactment of the Fourteenth Amendment, "half or more of the Congress voted repeatedly to abolish segregated schools under authority of the Fourteenth Amendment." *Id.* at 986.

b. You said during your Senate Judiciary Committee confirmation hearing that *Loving v. Virginia* was correctly decided. Can you explain how the Court's decision in *Loving* comports with an originalist interpretation of constitutional law?

Response: The Supreme Court recognized in *Loving v. Virginia* that "[t]he clear and central purpose of the Fourteenth Amendment was to eliminate all official state sources of invidious racial discrimination in the States." 388 U.S. 1, 10 (1967). Virginia's law prohibiting interracial marriages failed because there was "patently no legitimate overriding purpose independent of invidious racial discrimination which justifie[d]" the law. *Id.* at 11.

c. During your hearing, you were unwilling to answer whether you believed the Supreme Court's decision in *Obergefell v. Hodges* was correct. Why?

Response: It is typically inappropriate for a nominee to offer views on whether a particular Supreme Court precedent was correctly decided, as doing so could be seen at tipping the nominee's hand as to how he or she might decide related cases. Numerous nominees have made an exception and offered their views that *Brown v. Board* and *Loving v. Virginia* were correctly decided. In line with that practice, I believe it appropriate for me to offer my view that both *Brown* and *Loving* were correctly decided, while refraining from otherwise commenting on the correctness of other decisions.

d. How many times does Justice Kennedy's decision for the Supreme Court in *Obergefell* cite *Loving v. Virginia*?

Response: Justice Kennedy's decision for the Supreme Court in *Obergefell v. Hodges* cites *Loving v. Virginia* at least nine times.

Questions for the Record for Edmund LaCour
Submitted by Senator Richard Blumenthal
September 10, 2025

1. As Alabama's Solicitor General, you represented the state in a citizen challenge to its congressional redistricting plan. You argued the case on appeal to the Supreme Court, which ruled that Alabama's plan likely violated the Voting Rights Act and affirmed a lower court's order requiring any redistricting to include two districts in which Black voters comprised a majority or close to a majority. The Alabama legislature then adopted a new map, which still failed to include two Black-majority districts—in direct violation of the court's directive. When this plan was challenged, you again argued on behalf of the state. But more than that, you helped draw maps, inserted pages of legislative findings into the enabling legislation, and handed out talking points for Republican lawmakers to use to advance the plan.

   You also defended an Alabama law that criminalized absentee ballot assistance and the state's prohibition on curbside voting during the COVID-19 pandemic. And you were involved in drafting an amicus brief submitted to the Supreme Court in *Shelby County v. Holder* that argued that the 2006 reauthorization of certain sections of the Voting Rights Act was unconstitutional and that the Act's preclearance formula—an essential tool in preventing discriminatory voting practices—"serves no purpose."

   a. Please describe your involvement in Alabama's redistricting, aside from your role as an attorney. Specifically, please describe your involvement in drawing maps, inserting information into the enabling legislation, and handing out taking points to Republican politicians.

      Response: My role in Alabama's redistricting was and is as an attorney, and both attorney-client privilege and legislative privilege limit what I can share about legal advice and ongoing litigation. But there was testimony in *Singleton v. Allen*, 782 F. Supp. 3d 1092 (2025), that I provided members of the Alabama Legislature legal advice on how to draft redistricting legislation that could comply with the "competing hazards of liability" (*Abbott v. Perez*, 585 U.S. 579, 587 (2018)) imposed by § 2 of the Voting Rights Act and the Equal Protection Clause. There was testimony that this advice included suggestions as to different ways the legislation could be drafted, *Singleton*, 782 F. Supp. 3d at 1151, including by suggesting draft legislative findings, *id.* at 1153. There was also testimony that I provided talking points for a member of the Legislature. *Id.* at 1187.

   b. During your time as Alabama's Solicitor General, were you ever involved with the legislative process in any other instances? If so, please describe those instances.

      Response: The Alabama Attorney General's Office is regularly consulted to provide legal advice to members of the Legislature or legislative staff who request our legal advice. *See* Ala. Code § 36-15-1(1)(a). Thus, there have been instances

in which I and other lawyers in the Attorney General's Office have reviewed and sometimes suggested revisions to proposed legislation. These requests for legal advice—often made in anticipation of litigation—and responses from the Attorney General's Office are privileged. *See In re Cnty. of Erie*, 473 F.3d 413, 419 (2d Cir. 2007) (recognizing that because "public officials are duty-bound to understand and respect constitutional, judicial and statutory limitations on their authority[,] … their access to candid legal advice directly and significantly serves the public interest").

c. Given your history seeking to restrict voting rights—even going so far as to assist Alabama in defying a court order—how can litigants expect you to be fair in voting rights cases if confirmed?

Response: First, no court order was defied. The preliminary injunction order entered in 2022 enjoined the Alabama Secretary of State from conducting any congressional elections according to the State's 2021 Plan, *Singleton v. Merrill*, 582 F. Supp. 3d 924, 936 (N.D. Ala. 2022), but that order was stayed by the Supreme Court, *see Merrill v. Milligan*, 142 S. Ct. 879 (2022). The preliminary injunction order entered in 2023 enjoined the Alabama Secretary of State from conducting any congressional elections according to the State's 2023 Plan, the Secretary complied with that order, and the 2024 congressional election was held under a court-drawn plan. *Singleton v. Allen*, 782 F. Supp. 3d 1092, 1145 (N.D. Ala. 2025).

Second, throughout my career, I have upheld my oath to advocate zealously for my client, no matter my personal views. For example, in private practice, I represented criminal defendants and habeas petitioners; in public service, I have litigated against criminal defendants and habeas petitioners. In each case, I have pressed whatever good faith arguments my client had available, regardless of my views of what might be an ideal policy outcome. My work on voting rights cases is no different. If I am so fortunate as to be confirmed and take the judicial oath, I will likewise set aside my personal views and provide impartial justice, seeking to get to the answer commanded by the law, not any policy preference.

2. You submitted several amicus briefs to the Supreme Court in support of President Trump in his various criminal cases.

a. If confirmed, how can litigants expect you to be fair in matters concerning President Trump?

Response: The decision as to whether the State of Alabama files an amicus brief in a case belongs to the Alabama Attorney General. Throughout my career, I have upheld my oath to advocate zealously for my client, no matter my personal views. For example, in private practice, I represented criminal defendants and habeas petitioners; in public service, I have litigated against criminal defendants and

habeas petitioners. In each case, I have pressed whatever good faith arguments my client had available, regardless of my views of what might be an ideal policy outcome. My work on these amicus briefs is no different. If I am so fortunate as to be confirmed and take the judicial oath, I will likewise set aside my personal views and provide impartial justice, seeking to get to the answer commanded by the law, not any policy preference.

b. If confirmed, do you commit to recusing yourself from any matter in which President Trump is a named party?

Response: I will recuse myself from any case in which I have been involved. More generally, if confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances.

3. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

Response: I will recuse myself from any case in which I have been involved. More generally, if confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances. The Supreme Court has stated that under 28 U.S.C. § 455(a), "what matters is not the reality of bias or prejudice but its appearance." *Liteky v. United States*, 510 U.S. 540, 548 (1994). "This inquiry is an objective one, made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances." *Microsoft Corp. v. United States*, 530 U.S. 1301, 1302 (2000). If such an objective observer "might reasonably … question[]" my "impartiality," I would recuse. 28 U.S.C. § 455(a).

a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

Response: I will recuse myself from any case in which I have been involved. More generally, if confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances. For potential conflicts of interest, I would disclose all relevant information to the parties, hear from the parties, and then rule on any recusal motion based on the relevant authorities and guidance. But it would be inappropriate for me to prejudge any hypothetical recusal motion.

b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

Response: Please see my response to question 3a.

c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

Response: Please see my response to question 3a.

4. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

Response: If confirmed, I will adhere to all ethical rules and obligations that apply to federal judges.

a. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

Response: Please see my response to question 4.

b. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

Response: Please see my response to question 4.

c. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: Please see my response to question 4.

5. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

Response: Yes.

a. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

Response: Please see my response to question 4.

b. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

Response: Please see my response to question 4.

c. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

Response: Please see my response to question 4.

6. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

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

a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"

Response: It would be inappropriate for me as a judicial nominee to respond to this question to the extent it involves an issue that could come before me if I am confirmed. And to the extent the question asks about my views on questions of policy or political disputes, it would be inappropriate under the Code of Conduct for United States Judges for me to weigh in. But as the question notes, the Supreme Court has stated that "[t]he power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and, consequently to the due administration of justice." *Bessette v. W. B. Conkey Co.*, 194 U.S. 324, 327 (1904). If confirmed, I will faithfully apply this precedent and all binding precedent.

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

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me as a nominee to weigh in on this question, both because it implicates ongoing political disputes and because the issue could arise before me if I am confirmed to serve as a federal judge.

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

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

    Response: Yes. If I had jurisdiction over the case and parties, I could issue orders in the case. If I did not have jurisdiction, I could issue an order dismissing the case.

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

        Response: If I had jurisdiction over the case and parties, I could enforce orders entered in the case.

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

        Response: When proper processes are followed, federal courts have the power to order sanctions, including through civil contempt and criminal contempt proceedings. Courts may also order litigants or parties to appear and show cause as to whether they have complied with an order or otherwise provide information regarding compliance efforts.

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

    Response: The normal practice for any party who has been bound by a federal court order is to seek a stay of that order from the district court, and from appellate courts if needed, and to appeal the order when the applicable law provides for an appeal. If the order is not stayed, the normal course is for the party to comply with the order unless and until it is vacated or reversed by an appellate court.

    There are some potential exceptions. Professor William Baude has canvassed authority suggesting that "[a] court without jurisdiction over the parties and the subject matter could not bind them to judgment, right or wrong." William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008); *see also In re Sawyer*, 124 U.S. 200, 220 (1888) ("Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void."). If it is impossible for a party to comply with a court's order, that can sometimes excuse compliance with the order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) ("[T]he

justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order." (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948)). And there are some interlocutory orders, particularly in the discovery context, that a party may need to disobey in order to preserve the party's rights and be able to immediately appeal. For example, in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009), the Court declined to allow an interlocutory appeal of an attorney-client privilege issue because a "long-recognized option" for parties was "to defy a disclosure order and incur court-imposed sanctions." *Id.* at 111.

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

Response: Please see my response to question 7b.

d. What would make a court order unlawful?

Response: A court order could be described as unlawful if it is wrong on the merits or entered without jurisdiction.

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

Response: Please see my response to question 7b.

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

Response: Please see my response to question 7b.

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

Response: No.

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

Response: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nominations Hearing
Questions for the Record for Edmund Gerard LaCour Jr.

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. The following questions regard your involvement with Alabama's 2021 redistricting maps.
    a. **Did you have any conversations with members of the state legislature regarding the maps during the drawing process?**

        Response: No.

    b. **If your answer to question (2)(a) is anything other than "no,"**
        i. **On what dates were each conversation?**
        ii. **What was the nature of each conversation?**
        iii. **During any of these conversations did you suggest changes to the proposed maps? If so, what changes?**
    c. **At any point did you advise members of the Alabama legislature that the maps could be rejected by a court as a racial gerrymander?**
    d. **What was your role in drawing these maps?**
    e. **During consideration of the maps in the state legislature, did you pass out information on the maps to members of the state legislature?**
    f. **If your answer to question (2)(e) is anything other than "no,"**
        i. **What was the purpose of this information?**
        ii. **Who instructed you to distribute this information?**
        iii. **If no one instructed you to distribute this information, why did you do so?**
        iv. **At any point did any member of the state legislature ask you questions about this information in response to this information? If so, what did they ask and how did you respond?**

3. In 2021, a three-judge district court found that the 2021 redistricting maps constituted an illegal racial gerrymander. **Explain the District Court's reasoning**.

Response: The three-judge district court did not find that Alabama's 2021 congressional plan was an illegal racial gerrymander. While two sets of plaintiffs alleged that the 2021 plan was an illegal racial gerrymander and sought preliminary injunctions in 2021 on that ground, the three-judge district court deemed those "constitutional issues" to be "complicated," and "decline[d] to decide the constitutional claims asserted by the *Singleton* and *Milligan* plaintiffs" in its preliminary injunction order. *Singleton v. Merrill*, 582 F. Supp. 3d 924, 1035 (N.D. Ala. 2022). The court did issue a preliminary injunction after deciding that the plan likely violated § 2 of the Voting Rights Act. But the court did not find that the plan was a racial gerrymander.

4. **Did the Supreme Court state that it had no "basis to upset the District Court's legal conclusions," referencing the District Court's ruling that the maps constituted a racial gerrymander?**

   Response: The Supreme Court reviewed the district court's finding that the 2021 plan likely violated § 2 of the Voting Rights Act and concluded that there was no "basis to upset the District Court's legal conclusions" with regard to that finding of liability based on the preliminary-injunction record. *Allen v. Milligan*, 599 U.S. 1, 23 (2023). Neither court ruled that the plan was a racial gerrymander.

5. The following questions regard your involvement in Alabama's 2023 redrawn redistricting maps, after the Supreme Court ruled against you.
   a. **Did you have any conversations with members of the state legislature regarding the new maps during the drawing process?**

      Response: My role in Alabama's redistricting was and is as an attorney, and both attorney-client privilege and legislative privilege limit what I can share about legal advice and ongoing litigation. But there was testimony in *Singleton v. Allen*, 782 F. Supp. 3d 1092 (2025), that I provided members of the Alabama Legislature legal advice on how to draft redistricting legislation that could comply with the "competing hazards of liability" (*Abbott v. Perez*, 585 U.S. 579, 587 (2018)) imposed by § 2 of the Voting Rights Act and the Equal Protection Clause. There was testimony that this advice included suggestions as to different ways the legislation could be drafted, *Singleton*, 782 F. Supp. 3d at 1151, including by suggesting draft legislative findings, *id.* at 1153. There was also testimony that I provided talking points for a member of the Legislature. *Id.* at 1187.

   b. **If your answer to question (5)(a) is anything other than "no,"**
      i. **On what dates were each conversation?**

         Response: Please see my answer to question 5a.

      ii. **What was the nature of each conversation?**

         Response: Please see my answer to question 5a.

iii. **During any of these conversations did you suggest changes to the proposed maps? If so, what changes?**

Response: Please see my answer to question 5a.

c. **What was your role in drawing these new maps?**

Response: Please see my answer to question 5a.

6. Prior to answering the following questions, thoroughly review the May 8, 2025, per curiam opinion of the United States District Court for the Northern District of Alabama, Southern Division in *Singleton v. Allen*, 2:21-cv-01291-AMM, and *Milligan v. Allen*, 2:21-cv-01530-AMM.

a. **Did the District Court hold that Alabama's new maps were unlawful?**

Response: Yes. Alabama has appealed that ruling to the Supreme Court.

b. **Did the District Court write that Alabama's legislature had made a "deliberate decision to double down on the dilution of Black Alabamians' votes" in the 2023 maps?**

Response: Yes. Alabama has appealed that ruling to the Supreme Court.

c. **During the argument in this case, did you suggest that a state legislature could ignore a court order to create a second majority-minority district?**

Response: No court order was ignored. In 2022, the district court entered a preliminary injunction that held it was likely that Alabama's 2021 congressional plan violated § 2 of the Voting Rights Act. The court's preliminary injunction order enjoined the Alabama Secretary of State from conducting any congressional elections according to the State's 2021 Plan, *Singleton v. Merrill*, 582 F. Supp. 3d 924, 936 (N.D. Ala. 2022), though that order was stayed by the Supreme Court, *see Merrill v. Milligan*, 142 S. Ct. 879 (2022). The district court's opinion also stated that the preliminary-injunction record "suggests that any remedial plan will need to include two districts in which Black voters either comprise a voting-age majority or something quite close to it." *Singleton v. Merrill*, 582 F. Supp. 3d 924, 1033 (N.D. Ala. 2022). But the court did not order the Alabama Legislature to enact any plan.

Alabama has argued, and continues to argue before the Supreme Court, that the 2023 Plan responded to the positions of the district court and Supreme Court that Alabama's 2021 Plan likely violated § 2 by providing disparate treatment to two different communities of interest in Alabama that resulted in discriminatory effects on account of race. Plaintiffs had argued that the 2021 Plan had kept "the Gulf Coast counties together" but split a majority-black community of interest called the Black Belt. *Singleton v. Merrill*, 582 F. Supp. 3d 924, 1012 (N.D. Ala. 2022). And they argued that "one way to split the Black Belt less is to split the

Gulf Coast counties and include some of the population of Mobile County with a district that also includes part of the Black Belt." *Id.* Along those lines, the Supreme Court concluded that Plaintiffs' alternative plans, which split the Gulf Coast but closed splits in the Black Belt, were "reasonably configured" when compared to the State's 2021 plan because "[t]here would be a split community of interest in both." *Allen v. Milligan*, 599 U.S. 1, 21 (2023). The 2023 Plan provided equal treatment to those communities by closing splits in the Black Belt while also avoiding splits for the Gulf Coast. By doing so, the black voting age population in District 2 rose from around 30% to around 40%. But after two years of discovery and a full trial, the district court concluded in 2025 that § 2 requires Alabama not just to keep the Black Belt together, but to split the Gulf to combine black voters in Mobile with black voters more than 200 miles away. On appeal, the State is arguing that the district court's opinion misapplies § 2 and raises serious constitutional questions.

d. **Did the District Court write "we also emphasize our concern about the State's assertion that in response to any injunction we may issue, it is free to repeat its checkmate move"?**

   Response: Yes. Alabama has appealed that ruling to the Supreme Court. We have argued, and continue to argue, that the 2023 Plan does not violate § 2 and was not enacted with discriminatory intent.

e. **Do you agree that a State does not have the power to "repeat its checkmate move" in ignoring a court order?**

   Response: The State has argued that passing a plan that tried to comply with § 2 is not a "checkmate move," even if the plan did not match the expectations in the district court's preliminary injunction opinion. Relatedly, the State has argued that it is not a "checkmate move" to continue to litigate the merits of a case after losing at the preliminary injunction stage. As the Supreme Court recently reemphasized, preliminary injunctions issue based on "procedures that are less formal and evidence that is less complete than in a trial on the merits." *Lackey v. Stinnie*, 145 S.Ct. 659, 667 (2025). Courts often "reach[] a different conclusion upon full consideration of the merits." *Id.*

f. **Did the District Court write "there is nothing customary or appropriate about a state legislature's deliberate decision to ignore, evade, and strategically frustrate requirements spelled out in a court order" in its opinion?**

   Response: Yes. Alabama disputes that characterization of the Legislature's actions and has appealed that ruling to the Supreme Court.

g. **At any point did you advise members of the state legislature to ignore the requirements spelled out in the court order?**

Response: Please see my answers to questions 5a and 6c.

h. **At any point did you advise members of the state legislature to evade the requirements spelled out in the court order?**

Response: Please see my answers to questions 5a and 6c.

i. **At any point did you advise members of the state legislature to strategically frustrate the requirements spelled out in the court order?**

Response: Please see my answers to questions 5a and 6c.

j. **Why did the legislature ignore the court order to create a second majority-minority district?**

Response: Please see my answers to questions 5a and 6c.

k. **What legal justification could the legislature have for creating a map with anything other than a second majority-minority district?**

Response: Please see my answers to 6c and 6e.

l. **Did the District Court discuss "a case all too familiar to Alabama" from 1967, where "the Supreme Court explained decades ago that decisions to ignore court orders are intolerable in our system of ordered liberty even when they are undertaken in unassailable good faith and for purely 'righteous' purposes," in its opinion?**

Response: Yes. Alabama disputes that characterization of the Legislature's actions and has appealed that ruling to the Supreme Court.

m. **What righteous purpose, if any, would you consider sufficient for an individual to fail to comply with a District Court order?**

Response: The normal practice for any party who has been bound by a federal court order is to seek a stay of that order from the district court, and from appellate courts if needed, and to appeal the order when the applicable law provides for an appeal. If the order is not stayed, the normal course is for the party to comply with the order unless and until it is vacated or reversed by an appellate court. As explained in my answer to question 6c, the Secretary of State followed that normal practice in this case, seeking and obtaining a stay of the 2022 preliminary injunction order, and then complying with the preliminary injunction order from 2023 because that order was not stayed.

7. **Aside from an attempt to create a technical contempt in order to pursue an interlocutory appeal, is there a situation where an individual can legally ignore a**

District Court order prior to appeal? If so, explain thoroughly, with citations to relevant law.

Response: If an order is stayed either by the district court or an appellate court, the party need not comply with the order. If the order is not stayed, the normal course is for the party to comply with the order unless and until it is vacated or reversed by an appellate court. There are some potential exceptions. Professor William Baude has canvassed authority suggesting that "[a] court without jurisdiction over the parties and the subject matter could not bind them to judgment, right or wrong." William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008); *see also In re Sawyer*, 124 U.S. 200, 220 (1888) ("Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void."). If it is impossible for a party to comply with a court's order, that can sometimes excuse compliance with the order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) ("[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order." (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948)). And there are some interlocutory orders, particularly in the discovery context, that a party may need to disobey in order to preserve the party's rights and be able to immediately appeal. For example, in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009), the Court declined to allow an interlocutory appeal of an attorney-client privilege issue because a "long-recognized option" for parties was "to defy a disclosure order and incur court-imposed sanctions." *Id.* at 111.

8. **What is the Independent State Legislature Theory?**

Response: The Elections Clause provides: "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators." Const. art. I, § 4, cl. 1. Generally speaking, the independent state legislature theory posits that "the Elections Clause insulates state legislatures from review by state courts for compliance with state law." *Moore v. Harper*, 600 U.S. 1, 19 (2023). The Supreme Court rejected that theory, concluding "that state legislatures remain bound by state constitutional restraints when exercising authority under the Elections Clause." *Id.* at 32.

9. **Do you agree with or subscribe to any part of the Independent State Legislature Theory?** If so, describe your agreement.

Response: As noted in my answer to question 8, the Supreme Court held that "[s]tate courts retain the authority to apply state constitutional restraints when legislatures act under the power conferred upon them by the Elections Clause. But federal courts must not abandon their own duty to exercise judicial review. In interpreting state law in this area, state courts may not so exceed the bounds of ordinary judicial review as to unconstitutionally intrude upon the role specifically reserved to state legislatures by Article I, Section 4, of the Federal Constitution." *Moore v. Harper*, 600 U.S. 1, 37

(2023). If confirmed, I will apply this precedent and any other binding precedent. Under the Code of Conduct for United States Judges, it would be inappropriate for me to comment on whether the Court's decision in *Moore v. Harper* was correctly decided.

10. **Is there a situation where an individual can legally ignore a District Court order which has been affirmed by an appeals court?** If so, explain thoroughly, with citations to relevant law.

    Response: Please see my answer to question 7.

11. **Was the 2006 reauthorization of the Voting Rights Act constitutional?**

    In *Shelby County v. Holder*, 570 U.S. 529 (2013), the Supreme Court held that § 4's coverage formula, which determined the jurisdictions would be covered by § 5's preclearance regime, was unconstitutional. The court reasoned that "[c]overage today is based on decades-old data and eradicated practices. The formula captures States by reference to literacy tests and low voter registration and turnout in the 1960s and early 1970s." *Id.* at 551. It was "irrational for Congress to distinguish between States in such a fundamental way based on 40-year-old data, when today's statistics tell an entirely different story." *Id.* at 556. The question of whether § 2 of the Voting Rights Act is constitutional as applied to districting laws is currently pending in courts. Under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

12. U.S. law requires judges to recuse themselves for any one of many reasons, including if they served as a government attorney regarding a matter or if their "impartiality might reasonably be questioned."
    a. **Are you aware of this law?**

       Response: Yes.

    b. **Will you comply with this law, if confirmed?**

       Response: Yes.

    c. Given your role drafting, lobbying for, and defending in court racially gerrymandered Alabama redistricting maps, will you—
        i. **Recuse yourself from any case regarding these maps?**

           Response: I will recuse myself from any case in which I have been involved. More generally, if confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances.

        ii. **Recuse yourself from any case regarding Alabama redistricting maps?**
            Response: Please see my answer to question 12(c)(1).

iii. **Recuse yourself from any case regarding Alabama election law?**

Response: Please see my answer to question 12(c)(1).

Nomination of Edmund G. LaCour, Jr.
United States District Court for the Northern District of Alabama
Questions for the Record
Submitted September 10, 2025

QUESTIONS FROM SENATOR BOOKER

1. As solicitor general of Alabama, you defended the legality of the districting plan adopted by Alabama for its 2022 congressional elections. The U.S. Supreme Court affirmed a lower court's issuance of a preliminary injunction prohibiting the use of the districting plan for diluting the votes of Black Alabamians, in violation of the Voting Rights Act. [1] The Court also affirmed the lower court's order that Alabama adopt a congressional redistricting plan that "includes either an additional majority-Black congressional district, or an additional district in which Black voters otherwise have an opportunity to elect a representative of their choice." Yet, Alabama presented a 2023 redistricting plan that, like the enjoined redistricting plan, included only one majority-Black district.

   Lawmakers testified under oath that you helped draw voter maps, draft legislation, and create talking points for Republican lawmakers seeking to establish and defend gerrymandered maps.[2]

   a. Did a federal court instruct Alabama to remedy its violation of the Voting Rights Act by adopting a districting plan that includes either an additional majority-Black district, or an additional district in which Black voters otherwise have an opportunity to elect a representative of their choice?

      Response: In 2022, a federal district court entered a preliminary injunction that held it was likely that Alabama's 2021 congressional plan violated § 2 of the Voting Rights Act. The court's preliminary injunction order enjoined the Alabama Secretary of State from conducting any congressional elections according to the State's 2021 Plan, *Singleton v. Merrill*, 582 F. Supp. 3d 924, 936 (N.D. Ala. 2022), though that order was stayed by the Supreme Court, *see Merrill v. Milligan*, 142 S. Ct. 879 (2022). The district court's opinion also stated that the preliminary record "suggests that any remedial plan will need to include two districts in which Black voters either comprise a voting-age majority or something quite close to it." *Singleton v. Merrill*, 582 F. Supp. 3d 924, 1033 (N.D. Ala. 2022). But the court did not order the Alabama Legislature to enact any plan.

      i. How many times has Alabama been so-instructed by a federal court?

         Response: As noted in my answer to question 1a, while the district court's preliminary injunction order in 2022 opined on what sort of plan would be necessary to remedy the likely violation of § 2 that the court identified on the

[1] *Allen v. Milligan*, 599 U.S. 123 (2023).
[2] Kyle Whitemire, *Meet the Architect Behind Alabama's Voting Rights Defiance,* AL.com (Aug. 16, 2023), https://www.al.com/news/2023/08/meet-the-architect-behind-alabamas-voting-rights-defiance.html.

limited preliminary-injunction record, the court did not order the Alabama Legislature to enact any plan. In 2023, the district court entered a preliminary injunction that enjoined the Alabama Secretary of State from using the State's 2023 congressional plan, the Secretary complied with that order, and the 2024 congressional election was held under a court-drawn plan. *Singleton v. Allen*, 782 F. Supp. 3d 1092, 1145 (N.D. Ala. 2025). In 2025, the litigation over the 2023 plan resulted in a final judgment in which the district court held that § 2 and the Equal Protection Clause were violated, and that the court-drawn plan must be used until Alabama enacts a new redistricting plan based on the 2030 census. The State has appealed that ruling.

ii. Did Alabama follow the instructions issued by the federal court?

Response: Alabama has argued, and continues to argue before the Supreme Court, that the 2023 Plan responded to the positions of the district court and Supreme Court that Alabama's 2021 Plan likely violated § 2 by providing disparate treatment to two different communities of interest in Alabama that resulted in discriminatory effects on account of race. Plaintiffs had argued that the 2021 Plan had kept "the Gulf Coast counties together" but split a majority-black community of interest called the Black Belt. *Singleton v. Merrill*, 582 F. Supp. 3d 924, 1012 (N.D. Ala. 2022). And they argued that "one way to split the Black Belt less is to split the Gulf Coast counties and include some of the population of Mobile County with a district that also includes part of the Black Belt." *Id.* Along those lines, the Supreme Court concluded that Plaintiffs' alternative plans, which split the Gulf Coast but closed splits in the Black Belt, were "reasonably configured" when compared to the State's 2021 Plan because "[t]here would be a split community of interest in both." *Allen v. Milligan*, 599 U.S. 1, 21 (2023). The 2023 Plan provided equal treatment to those communities by closing splits in the Black Belt while also avoiding splits for the Gulf Coast. By doing so, the black voting age population in District 2 rose from around 30% to around 40%. But after two years of discovery and a full trial, the district court concluded in 2025 that § 2 requires Alabama not just to keep the Black Belt together, but to split the Gulf Coast to combine black voters in Mobile with black voters more than 200 miles away. On appeal, the State is arguing that the district court's opinion misapplies § 2 and raises serious constitutional questions.

iii. Did a federal court state in May 2025 that, "The [Alabama] Legislature knew what federal law required and purposefully refused to provide it, in a strategic attempt to checkmate the injunction that ordered it"?[3]

Response: Yes. The State has appealed that ruling to the Supreme Court.

iv. Did that federal court state in May 2025 that: "[T]ry as we might, we cannot understand the 2023 Plan as anything other than an intentional effort to dilute

[3] *See* Order, ECF No. 490, *Milligan v. Allen*, No. 2:21-cv-01530 (N.D. Ala. May 8, 2025).

Black Alabamians' voting strength and evade the unambiguous requirements of court orders standing in the way."[4]

Response: Yes. The State has appealed that ruling to the Supreme Court.

v. Did you play a role in defying the "unambiguous requirements of court orders" in this case?

Response: No court order was defied. The preliminary injunction order entered in 2022 enjoined the Alabama Secretary of State from conducting any congressional elections according to the State's 2021 Plan, *Singleton v. Merrill*, 582 F. Supp. 3d 924, 936 (N.D. Ala. 2022), but that order was stayed by the Supreme Court, *see Merrill v. Milligan*, 142 S. Ct. 879 (2022). The preliminary injunction order entered in 2023 enjoined the Alabama Secretary of State from conducting any congressional elections according to the State's 2023 Plan, the Secretary complied with that order, and the 2024 congressional election was held under a court-drawn plan. *Singleton v. Allen*, 782 F. Supp. 3d 1092, 1145 (N.D. Ala. 2025).

The district court's 2022 preliminary injunction opinion stated the court's view, based on a rushed preliminary-injunction record, "that any remedial plan will need to include two districts in which Black voters either comprise a voting-age majority or something quite close to it." *Singleton v. Merrill*, 582 F. Supp. 3d 924, 1033 (N.D. Ala. 2022). My role in Alabama's redistricting litigation was and is as an attorney, and both attorney-client privilege and legislative privilege limit what I can share about legal advice and ongoing litigation. But there was testimony in *Singleton v. Allen*, 782 F. Supp. 3d 1092 (2025), that I provided members of the Alabama Legislature legal advice on how to draft redistricting legislation that could comply with the "competing hazards of liability" (*Abbott v. Perez*, 585 U.S. 579, 587 (2018)) imposed by § 2 of the Voting Rights Act and the Equal Protection Clause. There was testimony that this advice included suggestions as to different ways the legislation could be drafted, *Singleton*, 782 F. Supp. 3d at 1151, including by suggesting draft legislative findings, *id.* at 1153. There was also testimony that I provided talking points for a member of the Legislature. *Id.* at 1187. The State continues to argue that even if the 2023 Plan did not match the expectations set forth in the district court's preliminary injunction opinion, it was not defiant to continue to litigate the merits of that assessment. As the Supreme Court recently reemphasized, preliminary injunctions issue based on "procedures that are less formal and evidence that is less complete than in a trial on the merits." *Lackey v. Stinnie*, 145 S.Ct. 659, 667 (2025). Courts often "reach[] a different conclusion upon full consideration of the merits." *Id.*

[4] *See id.*

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

   On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."[5]

   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: Under the Code of Conduct for United States Judges, it would not be appropriate for me as a judicial nominee to weigh in on this political and policy issue.

3. How would you characterize your judicial philosophy?

   Response: The role of a federal judge in our system of separated powers is critical, but limited. The legislative branch enacts laws, the executive branch executes them, and the judicial branch ensures that in a case or controversy involving those laws, the law is properly applied, whether that be a statute or the Constitution. Thus, judges take up only those legal issues properly brought before them and within their jurisdiction. And they, in the words of the judicial oath, "administer justice without respect to persons, and do equal right to the poor and to the rich, and … faithfully and impartially discharge and perform all the duties incumbent upon" them "under the Constitution and laws of the United States." 28 U.S.C. § 453. In my view, that requires impartially interpreting the law (whether statutory or constitutional) based on the text adopted by lawmakers as understood by the public at the time that text became law and in accordance with binding precedent. That requires the judge to apply the law without regard to the judge's personal or policy views.

4. What do you understand originalism to mean?

   Response: While there are several different definitions and strands of originalism, at a general level, I understand originalism to mean that, when interpreting a constitutional provision, the role of the judge is to look to the original intent of those who adopted the provision, as evidenced by how the text at issue would have been understood by reasonable people at the time it was adopted.

5. Do you consider yourself an originalist?

[5] 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: I generally consider myself to be an originalist to the extent that means that the role of a judge when interpreting a constitutional provision is to look to the original intent of those who adopted the provision, as evidenced by how the text at issue would have been understood by reasonable people at the time it was adopted. But if confirmed to serve as a district court judge, it is likely that for most of the constitutional issues that come before me, there will be precedent regarding what the constitutional provision means and/or how it is to be interpreted. I would apply all binding precedent, including on issues of how to interpret constitutional provisions.

6. What do you understand textualism to mean?

   Response: I understand textualism to mean that a judge interpreting a statute is "require[d] … to interpret statutory language according to its plain meaning as understood within its statutory context." *Turner v. U.S. Att'y Gen.*, 130 F.4th 1254, 1258 (11th Cir. 2025). And while "statutory terms can carry meanings that depart from their ordinary ones," like when Congress "define[s] a word or phrase in a specialized way or employ[s] a term of art with long-encrusted connotations in a given field," "absent such evidence, those whose lives are governed by law are entitled to rely on its ordinary meaning, not left to speculate about hidden messages." *Feliciano v. Dep't of Transportation*, 145 S. Ct. 1284, 1291 (2025).

7. Do you consider yourself a textualist?

   Response: I generally consider myself to be a textualist, to the extent that phrase is interpreted as I have described it in my response to question 6. But if confirmed to serve as a district court judge, if there is binding precedent regarding what a statute means and/or how it is to be interpreted, I would apply all binding precedent, including on issues of how to interpret particular statutes.

8. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

   a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

      Response: Justice Sotomayor recently wrote for a unanimous Supreme Court in a case involving a provision of the Foreign Sovereign Immunities Act, "[i]t is the statutory text … that best reflects Congress's intent." *Republic of Hungary v. Simon*, 604 U.S. 115, 137 (2025). And the Constitution provides in Article I, § 7, that for a bill to become law, it must pass both the House of Representatives and the Senate and be presented to the President. Legislative history does not go through that constitutional process. That said, courts applying a textualist approach will still sometimes consult legislative history, not to give effect to the subjective intent of any given legislator, but to "ferret out … shifts in linguistic usage or subtle distinctions between literal and ordinary meaning." *Bostock v. Clayton Cnty.*, 590 U.S. 644, 675 (2020). Moreover,

where binding precedent has interpreted a statute in light of legislative history, I will apply that precedent.

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

Response: Congressional intent as reflected in the statute Congress enacts matters because the Constitution assigns Congress the power to legislate. "It is the statutory text … that best reflects Congress's intent." *Republic of Hungary v. Simon*, 604 U.S. 115, 137 (2025). As the Supreme Court "has repeatedly stated, the text of a law controls over purported legislative intentions unmoored from any statutory text." *Oklahoma v. Castro-Huerta*, 597 U.S. 629, 642 (2022). If confirmed to serve as a district court judge, if there is binding precedent regarding what a statute means and/or how it is to be interpreted, I would apply all binding precedent, including on issues of how to interpret particular statutes.

9. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.[6]

a. What do you attribute this to?

Response: I am unfamiliar with that study and the bases for its finding. I have not conducted the research needed to offer a view about the cause or causes that would explain that finding.

10. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.[7]

a. What do you attribute this to?

Response: I am unfamiliar with that report and the bases for its finding. I have not conducted the research needed to offer a view about the cause or causes that would explain that finding.

11. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

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

[7] 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: While "[p]rosecutors are given broad discretion in deciding against whom to focus limited prosecutorial resources, … the decision whether to prosecute may not be based on an unjustifiable standard such as race, religion, or other arbitrary classification." *United States v. Smith*, 231 F.3d 800, 807 (11th Cir. 2000) (quotation omitted). Thus, a criminal defendant can bring a "selective-prosecution claim," which is "an independent assertion that the prosecutor has brought the charge for reasons forbidden by the Constitution." *Id.* While the defendant's burden is "demanding," *id.*, he or she can prevail by "demonstrate[ing] that the federal prosecutorial policy had a discriminatory effect and that it was motivated by a discriminatory purpose. To establish a discriminatory effect in a race case, the claimant must show that similarly situated individuals of a different race were not prosecuted." *Id.* at 808. Fairly adjudicating these claims is one way a federal judge can ensure a person's race did not factor into a prosecutor's decision. Additionally, at sentencing, a judge is required to consider "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct" when determining the sentence to be imposed. 18 U.S.C. § 3553(a)(6). Carefully considering the sentencing guidelines and data from the United States Sentencing Commission regarding sentences for similar crimes may also help ensure that a person's race does not factor into a sentencing decision.

12. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

    Response: Yes, I believe it is important that anyone who wishes to serve in the judicial branch is considered without regard to their race, sex, ethnicity, religion, or other protected characteristic. Excluding a candidate for service based on such characteristics would be an affront to his or her individual dignity and would deprive the judicial branch of talented public servants.

13. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

    If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

    Response: As noted on my Senate Judiciary Questionnaire, I have spoken numerous times about the role of state attorneys general and solicitors general as well as litigation engaged in by the Alabama Attorney General's Office. I have also given talks that provide reviews of recent Supreme Court decisions and previews of upcoming cases. These talks have likely touched on many of the issues below. Where I recall specifically addressing the issues mentioned below, I have listed out those talks or publications. But for a full accounting of the topics I have addressed, please refer to the list of the list of publications and statements provided in your Senate Judiciary Questionnaire and the corresponding recordings or

attachments. To the best of my knowledge, the answers provided on my Senate Judiciary Questionnaire and supplement disclose all publications and public statements.

a. Abortion

Response: Testimony of Edmund G. LaCour Jr., Hearing before the United States Senate Committee on the Judiciary: "Texas's Unconstitutional Abortion Ban and the Role of the Shadow Docket," Sep. 29, 2021. I testified at a hearing before the Senate Judiciary Committee about the role of the Supreme Court's emergency docket. I did not address the issue of abortion, but the hearing did focus in part on the Supreme Court's decision in *Whole Woman's Health v. Jackson* to not issue an injunction barring enforcement of a Texas law that restricted abortions and provided for private enforcement of the law. I opined that there was broad agreement that the law presented a complicated jurisdictional question that the Supreme Court had never addressed.

b. Affirmative action
c. Contraceptives or birth control
d. Gender-affirming care

Response: July 9, 2025, Speaker, "The Politicization of Science," Federal Trade Commission, Washington, DC. Video of the event is available here: https://www.ftc.gov/media/dangers-gender-affirming-care-minors. I spoke about Alabama's litigation in *Boe v. Marshall* and the amicus brief Alabama filed with the Supreme Court in *United States v. Skrmetti*.

May 15, 2025: Speaker, "Conversation with Alabama Solicitor General Eddie LaCour," Teneo, Washington, DC. I spoke about Alabama's litigation in *Boe v. Marshall* and the amicus brief Alabama filed with the Supreme Court in *United States v. Skrmetti*.

December 2, 2024, "The *Skrmetti* Case: SCOTUS to Hear Challenge to Tennessee's Ban on 'Gender Affirming' Treatments," Fair For All, https://www.youtube.com/watch?v=mp1AQv1OgyY. I spoke about Alabama's litigation in *Boe v. Marshall* and the amicus brief Alabama filed with the Supreme Court in *United States v. Skrmetti*.

November 17, 2023: Speaker, "Luncheon with Eddie LaCour," Yale Law School Chapter of the Federalist Society, New Haven, CT. I discussed some of Alabama's recent or ongoing litigation, including *Boe v. Marshall*, which involved whether the Constitution bars States from imposing age limits on certain treatments for gender dysphoria.

Vicki McKenna Show, June 19, 2025. Audio available: https://newstalk1130.iheart.com/featured/vicki-mckenna/content/2025-06-19-426-the-

vicki-mckenna-show-vicki-mckenna-show-josh-kaul-continues-his-lawfa/. I discussed the Supreme Court's decision in *United States v. Skrmetti*.

Nick Mordowanec and Barney Henderson, "Supreme Court Delivers Major Setback for Transgender Community," Newsweek, June 18, 2025, https://www.newsweek.com/supreme-court-delivers-major-setback-transgender-rights-2087407. I discussed the Supreme Court's decision in *United States v. Skrmetti*.

Debbie Elliott, "Panel hears oral arguments over Alabama's law banning gender-affirming care," NPR, Nov. 18, 2022, https://www.npr.org/2022/11/18/1137817671/panel-hears-oral-arguments-over-alabama-s-law-banning-gender-affirming-care. I discussed Alabama's law imposing age limits on certain treatments for gender dysphoria.

e. Firearms
f. Immigration
g. Same-sex marriage
h. Miscegenation

Response: Steve Marshall & Edmund LaCour, *Attorney General William H. Pryor Jr.*, 75 Ala. L. Rev. 1099 (2024). In this article, Attorney General Steve Marshall and I discussed some of the work Chief Judge William Pryor of the United States Court of Appeals for the Eleventh Circuit undertook when he served as Alabama's Attorney General. The article addressed how, when AG Pryor took office, Alabama was one of just two states with a law on the books prohibiting interracial marriage, though the law had been unenforceable since the Supreme Court had decided *Loving v. Virginia* in 1967. We then recounted how AG Pryor made it a priority to lead efforts to repeal the "unconstitutional," "unenforceable," and "immoral" provision, and how his efforts helped secure the repeal of the prohibition from the state's constitution. *Id*. at 1106.

i. Participation of transgender people in sports
j. Service of transgender people in the U.S. military
k. Racial discrimination

Response: Steve Marshall & Edmund LaCour, *Attorney General William H. Pryor Jr.*, 75 Ala. L. Rev. 1099 (2024). In this article, Attorney General Steve Marshall and I discussed some of the work Chief Judge William Pryor of the United States Court of Appeals for the Eleventh Circuit undertook when he served as Alabama's Attorney General. The article addressed how, when AG Pryor took office, Alabama was one of just two states with a law on the books prohibiting interracial marriage, though the law had been unenforceable since the Supreme Court had decided *Loving v. Virginia* in 1967. We then recounted how AG Pryor made it a priority to lead efforts to repeal the "unconstitutional," "unenforceable," and "immoral" provision, and how his efforts helped secure the repeal of the prohibition from the state's constitution. *Id*. at 1106.

October 3, 2024: Speaker, "Voting Rights Litigation," Heritage Foundation and Harvard Journal of Law and Public Policy, Washington, DC. Audio of the event is available here: https://open.spotify.com/episode/7jYpOCoXpeXCrlUkSYSbvl?go=1&sp_cid=a3090bf5520a031128bfb72dfaa8839c&utm_source=embed_player_p&utm_medium=desktop&nd=1&dlsi=713126a95ce8471c. I discussed current issues in redistricting litigation, including § 2 of the Voting Rights Act and the Equal Protection Clause.

August 9, 2024: Speaker, "Racial Gerrymandering Claims and Federal Redistricting Litigation," Republican National Lawyers Association, Palm Beach, FL. I discussed current issues in redistricting litigation, including § 2 of the Voting Rights Act and the Equal Protection Clause.

November 3, 2022: Speaker, "A Conversation About Election Law," Yale Law School Federalist Society, New Haven, CT 06511. I spoke about my recent experience litigating before the Supreme Court in *Allen v. Milligan*.

April 29, 2022: Speaker, "The Voting Rights Act and Alabama Congressional Districts Case," Birmingham Lawyers Chapter of the Federalist Society, Birmingham, AL. I discussed litigation related to Alabama's congressional districts.

October 24, 2019: Speaker, "A View From The States," Restaurant Law Center Legal Summit, Dallas, Texas. I spoke on a panel about the role of a state solicitor general and the role that amicus briefs play in appellate litigation. The talk included discussion of *Lewis v. Governor of Alabama*, a case in which plaintiffs alleged that a state law setting a uniform minimum wage was racially discriminatory. The Eleventh Circuit held that the plaintiffs lacked standing.

l. Sex discrimination
m. Religious discrimination

Response: Carly Swanson, "Student Organization Challenges NCSU Policy," Spectrum News, June 3, 2016. Copy of article supplied and video available at https://spectrumlocalnews.com/nc/triangle-sandhills/top-stories/2016/06/2/student-organization-challenges-ncsu-policy-.

"Christian group says NCSU policy violates free-speech rights," WRAL.com, June 2, 2016. Copy of article supplied and video available at https://www.wral.com/christian-group-says-ncsu-policy-violates-free-speech-rights/15748463/.

Emery Dalesio, "Christian groups challenge NC university's speech permits," Associated Press, June 2, 2016. Copy supplied. Reprinted in multiple outlets.

In each of the three articles above for subsection m, I discussed a free speech challenge by a religious student group at North Carolina State University to a speech-permitting policy that the group alleged had been applied to its members in a discriminatory manner.

July 21, 2022: Speaker, "*Smith*, Strict Scrutiny, and the Supreme Court: What Does the Future Hold?" Alliance Defending Freedom, Greensboro, GA. I was part of a panel that discussed recent developments in free exercise jurisprudence.

n. Disability discrimination
o. Climate change or environmental disasters

April 29, 2024: Speaker, "Federal Preemption and Environmental Regulation Webinar," C. Boyden Gray Center at George Mason University. Video available at: https://www.youtube.com/watch?v=4K33QiNUZwU. I discussed lawsuits brought by state and local government against energy companies that seek to hold the companies liable under state law based on allegations that the companies contributed to climate change.

p. "DEI" or Diversity Equity and Inclusion

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

Response: The normal practice for any party who has been bound by a federal court order is to seek a stay of that order from the district court, and from appellate courts if needed, and to appeal the order when the applicable law provides for an appeal. If the order is not stayed, the normal course is for the party to comply with the order unless and until it is vacated or reversed by an appellate court.

There are some potential exceptions. Professor William Baude has canvassed authority suggesting that "[a] court without jurisdiction over the parties and the subject matter could not bind them to judgment, right or wrong." William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008); *see also In re Sawyer*, 124 U.S. 200, 220 (1888) ("Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void."). If it is impossible for a party to comply with a court's order, that can sometimes excuse compliance with the order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) ("[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order." (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948)). And there are some interlocutory orders, particularly in the discovery context, that a party may need to disobey in order to preserve the party's rights and be able to immediately appeal. For example, in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009), the Court declined to allow an

interlocutory appeal of an attorney-client privilege issue because a "long-recognized option" for parties was "to defy a disclosure order and incur court-imposed sanctions." *Id.* at 111.

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

Response: Generally speaking, if I were a federal judge, and a party failed to comply with an order, I would consider issuing a show cause order or other order requiring the party to provide information about whether it has complied with the order or taken steps to do so. If after hearing from the parties, I concluded the order was violated, I would consider potential sanctions, including through civil contempt or criminal contempt proceedings. I would also fairly entertain the party's argument that it has a valid defense to non-compliance or that its non-compliance should otherwise be excused.

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

Response: Please see my response to question 14.

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

Response: The President is vested with the authority to veto legislation passed by Congress. *See* Const., art. I, § 7, cl. 2. "Under Article II, the Executive Branch possesses authority to decide 'how to prioritize and how aggressively to pursue legal actions against defendants who violate the law.'" *United States v. Texas*, 599 U.S. 670, 678 (2023) (quoting *TransUnion LLC v. Ramirez*, 594 U.S. 413, 429 (2021)). At the same time, the Constitution requires the president to "take Care that the Laws be faithfully executed." Art. II, § 3. The precise interaction of these principles is a matter of ongoing dispute and could come before me as a judge, if I am confirmed. Thus, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

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

Response: In *City of New York v. Train*, 494 F.2d 1033, 1050 (D.C. Cir. 1974), the D.C. Circuit held that a provision of the Federal Water Pollution Act Amendments of 1972 required the Administrator of the Environmental Protection Agency to allot the full sums authorized to be appropriated by the Act. That decision was affirmed by the Supreme Court. *See Train v. City of New York*, 420 U.S. 35 (1975). I am also generally aware of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93–344, 88 Stat. 298. To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

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

    Response: Please see my response to question 16.

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

    Response: The Supremacy Clause provides: "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." As the Supreme Court has held, "this Clause creates a rule of decision: Courts 'shall' regard the 'Constitution,' and all laws 'made in Pursuance thereof,' as 'the supreme Law of the Land.' They must not give effect to state laws that conflict with federal laws." *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324 (2015).

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

    Response: The Supreme Court has held that Fifth Amendment's "Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). In any case, there will still remain a question of what "process" is "due." To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

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

    Response: The Supreme Court recently reaffirmed that while "[l]egislative power … belongs to the legislative branch, and to no other, … Congress may seek assistance from its coordinate branches to secure the effect intended by its acts of legislation. And in particular, Congress may vest discretion in executive agencies to implement and apply the laws it has enacted—for example, by deciding on the details of their execution." *FCC v. Consumers' Rsch.*, 145 S. Ct. 2482, 2496-97 (2025) (cleaned up). For a delegation to be permissible, Congress must "set out an 'intelligible principle' to guide what it has given the agency to do." *Id.* at 2497.

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

    Response: Yes. *Brown v. Board of Education* was correctly decided. While it is typically inappropriate for a nominee to offer views on whether a particular Supreme Court precedent was correctly decided, numerous nominees have made an exception and offered their views

that *Brown* and *Loving v. Virginia* were correctly decided. In line with that practice, I believe it appropriate for me to offer my view that both *Brown* and *Loving* were correctly decided.

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

    Response: Yes, it is binding precedent. The case involved a state law banning the use of contraceptives or assisting others in obtaining contraceptives. The Court held that the law unconstitutionally intruded upon a constitutional right of marital privacy.

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

    Response: Yes, it is binding precedent. The case involved a state law making it a crime for two persons of the same sex to engage in certain intimate sexual conduct. The Court held that the state could not, consistent with the Due Process Clause, enforce such a law against adults engaged in that consensual private sexual conduct. *Lawrence v. Texas*, 539 U.S. 558, 578 (2003).

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

    Response: Yes, it is binding precedent. The case was brought by same-sex couples who challenged state laws that defined marriage as a union between one man and one woman. *Obergefell v. Hodges*, 576 U.S. 644, 653-54 (2015). The Court held that the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment, couples of the same-sex may not be deprived of that right and that liberty and that States must recognize lawful same-sex marriages performed in other States.

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

    Response: The Constitution prescribes certification by Electors from the States as the means for determining who prevailed in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. Under this process, President Joseph Biden was certified as the winner of the 2020 election.

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

       Response: Please see my answer to question 25.

    b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

Response: I have no personal knowledge as to whether vote counts for the 2020 election were accurate. Otherwise, please see my answer to question 25.

26. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[8]

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

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

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

       Response: Please see my answer to question 26a.

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

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

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

       Response: Please see my answer to question 26c.

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

       Response: The text of the 22nd Amendment prohibits any person from being "elected to the office of the President" for a third time. U.S. Const., amend. XXII.

27. 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: In preparing for the hearing before the Senate Judiciary Committee, there were general discussions regarding responses nominees have previously provided. I have given answers based on my understanding of what is appropriate under the Code of Conduct for United States Judges, including by taking into account interpretations and practices of many prior nominees.

28. 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.

[8] U.S. CONST. amend. XXII.

29. 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: To the best of my knowledge and recollection, no.

30. 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.

31. 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: Yes. In late November 2024, we spoke over the phone about potential positions at the Department of Justice. In late January 2025, we spoke over the phone about a matter that I had litigated as a lawyer in the Alabama Attorney General's Office. In May 2025, I spoke with him briefly when I saw him in Washington, D.C.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

    Response: No.

    a. Enrique Tarrio
    b. Stewart Rhodes
    c. Kelly Meggs
    d. Kenneth Harrelson
    e. Thomas Caldwell
    f. Jessica Watkins
    g. Roberto Minuta
    h. Edward Vallejo
    i. David Moerschel
    j. Joseph Hackett
    k. Ethan Nordean
    l. Joseph Biggs
    m. Zachary Rehl
    n. Dominic Pezzola
    o. Jeremy Bertino
    p. Julian Khater

38. 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: To the best of my knowledge, no.

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

    Response: No.

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

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

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

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

Response: Yes.

41. Article III Project (A3P) "defends constitutionalist judges and the rule of law." According to Mike Davis, Founder & President of A3P, "I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today's Democrats have become. They're Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems."[9]

    a. Do you agree with the above statement?

        Response: I am not familiar with the statement described above, and I generally avoid opining on comments with which I am not familiar. I can say that as a judge, I would not prejudge any party or lawyer or their arguments based on political affiliation. To the extent that this question asks me to opine on a matter of political controversy, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

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

        Response: To the best of my knowledge, no.

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

        Response: To the best of my knowledge, no.

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

        Response: To the best of my knowledge, no.

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

    Response: No. I have been in contact with the Department of Justice's Office of Legal Policy, which provided general guidance about how to complete the SJQ. But I made my own decisions about which cases to list.

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

        Response: Please see my answer to question 42.

[9] https://www.article3project.org/about

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

Response: Please see my answer to question 42.

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

Response: To the best of my knowledge, no.

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

Response: To the best of my knowledge and recollection, I did not talk with any Federalist Society officials or employees as part of my selection process or have anyone do so on my behalf. To the extent this question asks about conversations with Federalist Society members or officials that occurred between the time of my contact with staff for Senators Tuberville and Britt and my nomination, I note that the Federalist Society has tens of thousands of members and dozens of officials. I have several friends who are members or officials, and I generally shared some information about my selection process with them.

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

Response: In November 2024, I was informed that if I was interested in being recommended by Senator Tommy Tuberville and Senator Katie Britt for a position as a federal district court judge in Alabama, that I should submit written materials to staff for each senator indicating my interest. Later that month, I emailed counsel for each senator. On December 10, 2024, I met with Mary Blanche Hankey from Senator Tuberville's office, and Drew Robinson from Senator Britt's office. In January 2025, I was asked to submit additional written materials to the Senators, which I provided that month. On March 20, 2025, I again met with Ms. Hankey and Mr. Robinson, and on April 7, we had a virtual interview. On May 7, I interviewed with Senator Tuberville and Ms. Hankey. On June 9, the White House Counsel's Office contacted me to schedule an interview. On June 23, I interviewed with lawyers from the White House Counsel's Office in Washington, DC. Since then, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination. On August 12, 2025, President Trump called to inform me that I had been nominated, and later that day, my nomination was announced.

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

Response: I reviewed the responses from some prior nominees to get a sense of the level of detail for appropriate responses. I also conducted legal research to confirm my answers to some questions. I drafted my responses to each question. I then received feedback from

members of the Office of Legal Policy at the Department of Justice, finalized my answers, and authorized them to be submitted to the Senate Judiciary Committee. The answers here are my own.