

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Bill Wayne Lewis, Jr.
Nominee to be U.S. District Judge for the Middle District of Alabama
September 10, 2025

1. **In January of this year, you drafted and presented a PowerPoint presentation titled “Artificial Intelligence in the Legal Profession,” where you described how AI has increasingly been used in the legal profession and the benefits and consequences of reliance on AI. In the presentation, you wrote:**

The survival of our nation depends on the use of originalism as a judicial approach [, and] members of the legal community who don’t subscribe to originalism are result oriented [which] undermines the standards of a civil society.

Response: The characterization above of the comments on the PowerPoint slide is wrong. In that presentation, I was explaining that when courts do not follow the law as written, it undermines the rule of law itself, and that in turn undermines the foundations of a civil society. On that specific slide, “The survival of our nation depends on the use of originalism as a judicial approach”; “Members of the legal community who don’t subscribe to originalism are result oriented”; “Undermines the standards of a civil society”; and “Moves the goalposts”; are all separate bullet points (not a constructed paragraph created by inserted conjunctions) on the slide which were each prefaced by separate unwritten comments, but when read and manipulated without the actual presentation they can apparently give the wrong impression. My point was not to single out individual members of the legal community, but to emphasize that adherence to the text of the law is what preserves stability, fairness, and the rule of law. The comment, “undermines the standards of a civil society,” was actually prefaced by me talking about failing to follow the rule of law. The notes on the slide itself that aided me in what to say state, “You have to have a basis for your laws, if we don’t have that basis then we don’t have a civilization.”

- a. **Please explain how the survival of our nation depends on the use of originalism as a judicial approach.**

See above.

- b. **Please elaborate on what you meant when you wrote “...members of the legal community who don’t subscribe to originalism are result oriented [which] undermines the standards of a civil society.”**

Response: See above.

2. **Did President Trump lose the 2020 election?**

Response: President Biden was certified as the victor of the Electoral College and served as the 46th President of the United States after taking the oath of office in January 2021.

3. Where were you on January 6, 2021?

Response: At home in Alabama.

4. Do you denounce the January 6 insurrection?

Response: The Supreme Court in *Trump v. Anderson* heard arguments about whether an insurrection occurred that day and ultimately concluded that States could not forcibly remove President Trump from the ballot. To the extent the question asks for personal political views, the judicial code of conduct prohibits any judicial nominee from providing political or policy views. I will say I denounce violence in any manner.

5. 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 Supreme Court addressed presidential pardon power in *United States v. Klein* and other cases. Those cases established that the pardon power is one of the President's most plenary powers. The decision whether to extend a pardon is at the discretion of the President. To the extent the question asks for personal political or policy views, the judicial code of conduct prohibits any judicial nominee from providing political or policy views.

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

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

Response: Litigants have many options, including stays, injunctions and outright appeals. Justice Sotomayor's majority opinion in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009), recognizes that some circumstances require defying a court order to appeal it.

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

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

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

Response: The judiciary has authority to adjudicate cases and controversies between different parties.

7. 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.

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

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

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

Response: Justice Barrett states “A universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power.” *Trump v. Casa, Inc.*, 606 U.S. 831, 145 S.Ct. 2540, 2550 (2025).

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

Response: No.

8. **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.

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

Response: Section 1 of the Twenty-Second Amendment states, in part, “No person shall be elected to the office of the President more than twice...” I am unaware of any precedent or Supreme Court interpretation of this portion of the Amendment, and I will not speculate on any particular fact pattern. To the extent the question asks about political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

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

Response: It would be inappropriate for me, as a judicial nominee, to opine on the statements of any political figure or on any subject of political controversy.

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

Response: It would be inappropriate for me, as a judicial nominee, to opine on the statements of any political figure or on any subject of political controversy. Generally, any polarizing statements are dangerous in the society we live in today, and it is hard to ascertain what specific statements endanger people because there are so many different statements made.

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

11. 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: It would be inappropriate for me, as a judicial nominee, to opine on the statements of any political figure or on any subject of political controversy.

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

Response: It would be inappropriate for me, as a judicial nominee, to opine on the statements of any political figure or on any subject of political controversy.

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

Response: It would be inappropriate for me, as a judicial nominee, to opine on the statements of any political figure or on any subject of political controversy.

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

Response: A lower court should not depart from Supreme Court precedent.

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

Response: If the precedent is exclusive to the Circuit Court and not determined by the Supreme Court, they should follow the standards set out by caselaw.

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

Response: When the Justices vote to overturn the prior precedent based on the standards set by Supreme Court caselaw.

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>.

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

a. *Brown v. Board of Education*

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. I agree that both of those decisions were correctly decided. As I stated at the confirmation hearing, if I am confirmed as a district judge, any precedent decided by the Supreme Court that is in place at the time I decide a case is “correctly decided” for the purposes of my role as a district judge.

b. *Plyler v. Doe*

See above.

c. *Loving v. Virginia*

See above.

d. *Griswold v. Connecticut*

See above.

e. *Trump v. United States*

See above.

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

See above.

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

See above.

h. *Obergefell v. Hodges*

See above.

i. *Bostock v. Clayton County*

See above.

j. *Masterpiece Cakeshop v. Colorado*

See above.

k. *303 Creative LLC v. Elenis*

See above.

l. *United States v. Rahimi*

See above.

m. *Loper Bright Enterprises v. Raimondo*

See above.

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

Response: When Congress passes a statute or the people enact a constitutional amendment, that law’s meaning does not change until amended with new text. Judges regularly apply a law’s meaning to new circumstances, such as applying the First Amendment’s protection of free speech to the internet. It would be inappropriate for judges to “update” laws out of dissatisfaction that the people or Congress have chosen not to do so.

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

Response: *See above.*

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

Response: The *Obergefell* decision holds that the Constitution includes that right.

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

Response: Yes. The *Loving* decision holds that the Constitution includes that right. As stated above, that is one of the two decisions where it is appropriate for nominees to state whether a case was correctly decided. *Loving* is consistent with, and compelled by, the original meaning of the Constitution.

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

Response: The relevant text states, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” There are tens of thousands of cases applying these provisions in different contexts. Generally speaking, the Equal Protection Clause requires strict or intermediate scrutiny if a State tries to classify based on a protected characteristic or quasi-protected characteristic. The Due Process Clause has been interpreted to require basic procedural protections and has also been interpreted to include a substantive component that prevents States from passing certain kinds of legislation at all.

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

Response: The Supreme Court has decided many cases brought by plaintiffs in those demographic groups, including the Virginia Military Institute case and *Obergefell*. The Supreme Court has interpreted those clauses to protect those groups. As always, if the people are dissatisfied with the Constitution, they can exercise their right to amend it.

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

Response: Judges should apply the text as written by Congress or the people. It is improper for judges to ever “update” or “amend” the laws by interpretation or any other means.

23. 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: Judges should apply the text as written by Congress or the people. That includes all provisions in the Constitution. It is improper for judges—rather than Congress or the people—to ever “update” or “amend” the laws.

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

Response: The First Amendment states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The Supreme Court has on occasion determined that the First Amendment applies differently to different persons. For example, free-speech protections have been applied differently with respect to children. E.g., *Ginsberg v. New York*, 390 U.S. 629 (1968).

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

Response: Generally speaking, a law regulating speech is content-based if it regulates a particular kind of speech based on substance (like political speech). The Supreme Court has instructed lower courts to look at whether the law “draws distinctions based on the message a speaker conveys” such as distinguishing based on “particular subject matter” or by “function or purpose.” *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015).

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

Response: In *Counterman v. Colorado*, the Supreme Court explained that, under the true threats doctrine, the First Amendment does not protect “serious expressions conveying that a speaker means to commit an act of unlawful violence.” 600 U.S. 66, 74 (2023) (brackets adopted, quotation marks omitted).

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

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

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

Response: This question is being actively litigated. Under the canons of judicial conduct, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

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

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

Response: The text of the 14th Amendment excludes from citizenship persons not “subject to the jurisdiction” of the United States. For example, the Indian Citizenship Act of 1924 was enacted based on the understanding that individuals born into Indian tribes are not entitled to birthright citizenship under the Constitution, so Congress granted citizenship by statute.

- 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: This question is being actively litigated. Under the canons of judicial conduct, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

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

Response: Yes. No one should ever be excluded from the opportunity to serve as a judge because of race, ethnicity, sex, religion, or any other protected characteristic. My experiences in both law and life are that, when people from diverse backgrounds come together, they bring with them diverse perspectives. That diversity broadens our understanding of others and helps us approach the work of judging with greater empathy. On the bench, empathy matters because it allows us to fully appreciate the circumstances of the cases before us and, in turn, to make the fairest and most thoughtful decisions we can. If I am fortunate enough to be confirmed, I would look forward to learning from the experiences of others and drawing on that shared wisdom to better serve the people who appear before me.

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

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

Response: The First Step Act is important because it promotes fair sentences tailored to each individual defendant and helps reduce recidivism and other inequities in the criminal justice system.

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

Response: Yes. The law requires me to do so for each individual case that would come before me if I am confirmed as a district judge.

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

Response: No.

- b. 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 gave a presentation on “Artificial Intelligence in the Legal Profession,” in January of this year at an Alabama Federalist Society meeting in Huntsville, Alabama.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

37. 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: No.

- 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.

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

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

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

have solicited any such donations, I am asking whether you would find such donations to be problematic.

Response: No. I have no concerns of any groups or special interests making donations in support of my nomination because I have no ties to any outside or special interest groups.

- 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: Yes.

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

Response: I am unaware of what the Concord Fund or the 85 Fund is, but I would not need any funds made on behalf of my nomination.

**Nomination of William Wayne Lewis, Jr. to the
United States District Court for the Middle 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: As a judge at the trial level, the intermediate appellate level, the Alabama Supreme Court, and—if confirmed—the Middle District of Alabama, my philosophy has always been that courts must apply the law fairly and impartially, even when the outcome does not align with a judge's personal policy preferences. Courts should be consistent and predictable based on the law and precedent. Everyone who comes before a court should be treated with dignity and respect and should leave feeling that they had the opportunity to be heard, were treated fairly, and that the decision reached in their matter was thoughtful and based on the fair and impartial application of the law.

3. During your January 17, 2025, Federalist Society presentation titled “Bridging the Divide: From Trial Court to the Appellate Bench and an Introduction to AI and its Potential in Constitutional Law and Originalism,” one of the PowerPoint slides you presented included text that read: “the survival of our nation depends on the use of originalism as a judicial approach” and that lawyers who reject originalism “are result oriented” which “[u]ndermines the standards of a civil society.”

- a. Do you stand by those statements?

Response: The characterization above of the comments on the PowerPoint slide is wrong. In that presentation, I was explaining that when courts do not follow the law as written, it undermines the rule of law itself, and that in turn undermines the foundations of a civil society. On that specific slide, “The survival of our nation depends on the use of originalism as a judicial approach”; “Members of the

legal community who don't subscribe to originalism are result oriented"; "Undermines the standards of a civil society"; and "Moves the goalposts" are all separate bullet points (not a constructed paragraph created by inserted conjunctions) on the slide which were each prefaced by separate unwritten comments, but when read and manipulated without the actual presentation they can apparently give the wrong impression. My point was not to single out individual members of the legal community but to emphasize that adherence to the text of the law is what preserves stability, fairness, and the rule of law. The comment, "undermines the standards of a civil society," was actually prefaced by me talking about failing to follow the rule of law. The notes on the slide itself that aided me in what to say state, "You have to have a basis for your laws, if we don't have that basis then we don't have a civilization."

- b. What did you mean by those statements?

Response: See above.

- c. Do you consider yourself an originalist?

Response: I believe judges should apply the law as it was written by Congress, or by the people in the Constitution. Our duty is to give effect to the provisions as they were enacted. It is the role of Congress to change the law or by the people through the amendment process, not judges. And if there's ambiguity, I would look to the original meaning of the words at the time they were written.

- d. 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: The Equal Protection Clause says no State shall deny any person equal protection of the laws. The plain meaning of "equal protection" forbids separating children by race because segregation denies equal status under the law. Originalism looks to the plain meaning of the text, not just the practices and expectations at the time. The words "equal protection" forbid laws that make race the basis for denying a fundamental civil right. The conclusion in *Brown* aligns with the original public meaning of the Fourteenth Amendment.

- e. 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 Equal Protection Clause says no State shall deny any person equal protection of the laws. Originalism looks to the plain meaning of the text, not just the practices and expectations at the time. The words “equal protection” forbid laws that make race the basis for denying a fundamental civil right. A statute that prohibits marriage based solely on race is a clear denial of equal legal status. The decision is consistent with the original public meaning of the Fourteenth Amendment.

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

Response: I answered the question. My response was, “As a District Court, what does matter is binding Supreme Court precedent, and, as long as its Supreme Court precedent, looking at it analytically from a legal perspective, it is right. And, so, as long as that’s the precedent, then yes, we will follow it.”

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

Response: In reviewing the opinion, I counted nine times.

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

Response: If I were confirmed, I would faithfully apply the standards set forth in applicable Supreme Court precedent, including as appropriate the *Obergefell* and *Glucksberg* decisions.

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

Response: Yes.

- 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. Cases like *Glucksberg* direct courts to take that approach. If such a case came before me, I would consult historical case law and the types of sources those decisions have relied on.

- 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.

- 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 and all factors established by Supreme Court and Eleventh Circuit precedent.

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

Response: No.

- 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: In every case where the evidence is available.

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

Response: The role would vary depending on the case, but should be taken into consideration in any case where available.

- 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.

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

Response: Yes.

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

Response: Yes.

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

Response: I am not aware of any case holding that a President has violated the Article II Section 3, "Take Care Clause." When raised against President Obama, the Justice Department argued it was not justiciable, and the Supreme Court never decided the question because the case ended in a 4–4 split. The Court has also recognized the President's unique constitutional status, as in *Nixon v. Fitzgerald*. I am unaware of any court prescribing a remedy at this time, but I would work under whatever precedent is ultimately established by the Supreme Court and Eleventh Circuit if required to do so.

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

Response: Section 1 of the Twenty-Second Amendment states, in part, "No person shall be elected to the office of the President more than twice...." I am unaware of any precedent or Supreme Court interpretation of this portion of the Amendment, and I will not speculate on any particular fact pattern. To the extent the question asks about political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

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

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

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

Response: Joseph Biden was certified as the winner of the 2020 election.

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

Response: Donald J. Trump was certified as the winner of the 2024 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: The question asks about current alleged political disputes. It would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

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: The Supreme Court in *Trump v. Anderson* heard arguments about whether an insurrection occurred that day and ultimately concluded that States could not forcibly remove President Trump from the ballot. To the extent the question asks for personal political views, the judicial code of conduct prohibits any judicial nominee from providing political or policy views. I will say I denounce violence in any manner.

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

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. It would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

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: The Supreme Court in *Griswold* held that the Constitution protects the conduct described above. As a district court judge, I will follow all controlling precedent.

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

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 the question asks about current political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

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

Response: To the extent the question asks about current political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

19. 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). To the extent the question asks about current political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

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

Response: To the extent the question asks about current political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

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

Response: To the extent the question asks about current political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

20. 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: While I was not on the Alabama Supreme Court when the most recent decision on this subject was issued, there continues to be outstanding issues regarding IVF before our Court, so the canons preclude me from responding to this question.

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

Response: Yes. 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.

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

Response: No.

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

Response: I would begin with the text of the Constitution itself, giving the words their original public meaning at the time they were adopted. I would also look to the structure of the Constitution, its history, and Supreme Court precedent interpreting the provision. Where appropriate, I would consult secondary authority and sources such as founding-era legal materials and early judicial decisions. My goal would always be to apply the Constitution as written, consistent with binding precedent.

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

Response: Courts generally do not examine the motives of legislators in enacting laws. The Supreme Court has long held that it will not invalidate an otherwise constitutional statute based on alleged improper legislative intent. *See United States v. O'Brien*, 391 U.S. 367, 383 (1968). There are, however, limited exceptions. For example, in *Lawrence v. Texas*, the Court concluded that moral disapproval alone was not a sufficient basis for legislation.

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

Response: A judge may take into account the practical consequences of a decision in limited situations, such as those involving equity. But generally, a court must make rulings based solely on the law.

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

Response: A judge must not let empathy affect the decision-making process. A judge takes an oath to "administer justice without respect to persons." 28 U.S.C. § 453. In all cases, a judge must rule according to the law.

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

Response: A judge's life experiences hopefully will allow them to be fair, impartial, and kind enough to treat every party that comes before them with dignity and respect.

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

Response: No.

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

Response: I would not.

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

Response: After a hearing, I would assess the nature of the conduct and whether any recognized defenses apply. In some circumstances, sanctions might be appropriate after a finding that a party has in fact violated an order without proper cause.

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

Response: Attorney and Presidential Medal of Freedom recipient Fred Gray has been my role model and mentor for years.

30. Discuss your proposed hiring process for law clerks.

Response: I would use whatever procedure is currently in place in the Middle District of Alabama and the Eleventh Circuit.

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

Response: As a judicial nominee, the canons of judicial ethics generally prohibit me from endorsing legislative proposals.

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

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

Response: I would make sure everyone knows misconduct would not be tolerated and that they are familiar with any rules regarding the same in the Middle District and Eleventh Circuit.

- 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: I would comply with whatever reporting mandate is currently in place in the Middle District of Alabama and the Eleventh Circuit.

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

Response: : I would comply with whatever reporting mandate is currently in place in the Middle District of Alabama and the Eleventh Circuit.

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

Response: I understand oral argument opportunities are rare in federal court; however, as an attorney who spent most of his time involved in courtroom litigation before becoming

a judge, I believe it should be the party's decision on who they want arguing on their behalf.

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

Response: I would encourage junior lawyers to be active in cases and to observe oral arguments and court proceedings as often as possible. As a judge, I also often would speak to junior lawyers and give advice on items that could help them as lawyers.

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

Response: The Supreme Court addressed presidential pardon power in *United States v. Klein* and other cases. Those cases established that the pardon power is one of the President's most plenary powers. The decision whether to extend a pardon is at the discretion of the President. To the extent the question asks for personal political or policy views, the judicial code of conduct prohibits any judicial nominee from providing political or policy views.

34. 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: To the extent the question asks for personal political or policy views, the judicial code of conduct prohibits any judicial nominee from providing political or policy views.

35. In your Senate Judiciary Committee confirmation hearing, Senator Kennedy asked you about "the difference between notice pleading and fact pleading." You responded: "Notice pleading, of course, goes to your due process issue under the Fourteenth Amendment." You then said: "Notice pleading is based on your personal jurisdiction. Fact pleading, of course, goes to your subject matter jurisdiction."

- a. Do you stand by your answers?

Response: No

- b. If not, what is the difference between notice pleading and fact pleading?

Response: Notice pleading requires only a short statement giving fair notice of the claim, while fact pleading requires detailed factual allegations supporting each element of the claim.

36. Senator Kennedy also asked you whether the federal judicial system uses notice or fact pleading. You responded that the federal courts use fact pleading.

- a. Do you stand by your answer?

Response: Federal Courts use notice pleading.

- b. Do the federal courts use fact or notice pleading?

Response: Federal Courts use notice pleading.

- c. Do the state courts in Alabama use fact or notice pleading?

Response: Alabama courts use notice pleading.

- d. Which states still use fact pleading?

Response: California, Louisiana, New York, Delaware, Illinois.

Questions for the Record for Justice Bill Lewis
Submitted by Senator Richard Blumenthal
September 10, 2025

1. You drafted and presented a PowerPoint slide deck in which you stated “The survival of our nation depends on the use of originalism as a judicial approach. Members of the legal community who don’t subscribe to originalism are result oriented [which] [u]ndermines the standards of a civil society.”

Response: The characterization above of the comments on the PowerPoint slide is wrong. In that presentation, I was explaining that when courts do not follow the law as written, it undermines the rule of law itself, and that in turn undermines the foundations of a civil society. On that specific slide, “The survival of our nation depends on the use of originalism as a judicial approach”; “Members of the legal community who don’t subscribe to originalism are result oriented”; “Undermines the standards of a civil society”; and “Moves the goalposts”; are all separate bullet points (not a constructed paragraph created by inserted conjunctions) on the slide which were each prefaced by separate unwritten comments, but when read and manipulated without the actual presentation they can apparently give the wrong impression. My point was not to single out individual members of the legal community, but to emphasize that adherence to the text of the law is what preserves stability, fairness, and the rule of law. The comment, “undermines the standards of a civil society,” was actually prefaced by me talking about failing to follow the rule of law. The notes on the slide itself that aided me in what to say state, “You have to have a basis for your laws, if we don’t have that basis then we don’t have a civilization.”

- a. Justice Kagan is not an originalist. Do you believe Justice Kagan’s judicial philosophy undermines the standards of a civil society?

Response: No, as referenced above, people who follow the law do not undermine a civil society.

- i. If confirmed, will you follow orders issued and decisions written by Justice Kagan?

Response: Yes.

- b. Justice Jackson is not an originalist. Do you believe Justice Jackson’s judicial philosophy undermines the standards of a civil society?

Response: No, as referenced above, people who follow the law do not undermine a civil society.

- i. If confirmed, will you follow orders issued and decisions written by Justice Jackson?

Response: Yes.

- c. Justice Sotomayor is not an originalist. Do you believe Justice Sotomayor's judicial philosophy undermines the standards of a civil society?

Response: No, as referenced above, people who follow the law do not undermine a civil society.

- i. If confirmed, will you follow orders issued and decisions written by Justice Sotomayor?

Response: Yes.

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

Response: Yes.

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

Response: If I am confirmed, I would refer to 28 U.S.C. § 455, the Code of Conduct for United States Judges, any guidance provided by the Chief Judge and the Administrative Office for the United States Courts, and any other applicable laws, rules, and practices governing conflicts of interest

- 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: See my response to question 2(a).

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

Response: See my response to question 2(a).

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

Response: I will abide by all laws, rules and judicial ethical canons regarding *ex parte* communications.

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

Response: See my response to question 3(a).

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

Response: See my response to question 3(a).

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

Response: See my response to question 3(a).

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

Response: If confirmed, I will abide by all laws, rules and judicial ethical canons regarding financial disclosure reports.

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

Response: Yes.

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

Response: Yes.

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

Response: Yes.

- 5. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining

Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

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

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

Response: Yes.

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

Response: No.

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

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

Response: Yes.

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

Response: Yes.

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

Response: Contempt Powers.

- 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: Litigants have many options, including stays, injunctions and outright appeals. Justice Sotomayor’s majority opinion in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009), recognizes that some circumstances require defying a court order to appeal it.

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

Response: See above.

- d. What would make a court order unlawful?

Response: Issuing an order without the proper jurisdiction to do so.

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

Response: A party may obtain relief through stays, injunctions, and appeals if they believe lower court orders to be unlawful. The Supreme Court has recognized that a party may defy an order, incur sanctions, and then appeal. The Court in *Mohawk Industries v. Carpenter* explained that a party may refuse compliance, accept sanctions, and then seek appellate review.”

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

Response: The process for defying a court order in limited cases is set out in *Mohawk*.

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

Response: No.

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

Response: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Bill Wayne Lewis

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. In the PowerPoint presentation you drafted titled “Artificial Intelligence in the Legal Profession,” you wrote that lawyers who do not adopt originalism undermine “the standards of a civil society.”

Response: The characterization above of the comments on the PowerPoint slide is wrong. In that presentation, I was explaining that when courts do not follow the law as written, it undermines the rule of law itself, and that in turn undermines the foundations of a civil society. On that specific slide, “The survival of our nation depends on the use of originalism as a judicial approach”; “Members of the legal community who don’t subscribe to originalism are result oriented”; “Undermines the standards of a civil society”; and “Moves the goalposts”; are all separate bullet points on the slide which were each prefaced by separate unwritten comments, but when read and manipulated without the actual presentation they can apparently give the wrong impression. My point was not to single out individual members of the legal community, but to emphasize that adherence to the text of the law is what preserves stability, fairness, and the rule of law. The comment, “undermines the standards of a civil society,” was actually prefaced by me talking about failing to follow the rule of law. The notes on the slide itself that aided me in what to say state, “You have to have a basis for your laws, if we don’t have that basis then we don’t have a civilization.”

- a. **If Justice Sotomayor does not subscribe to originalism, does she undermine the standards of a civil society?**

Response: No. She follows the rule of law, as I stated in the presentation, so she does not undermine the standards of a civil society.

- b. If I do not subscribe to originalism, do I undermine the standards of a civil society?**

Response: No. You follow the rule of law, as I stated in the presentation, so you do not undermine the standards of a civil society.

Nomination of William W. Lewis
United States District Court for the Middle District of Alabama
Questions for the Record
Submitted September 10, 2025

QUESTIONS FROM SENATOR BOOKER

1. In January 2025, you presented at the Huntsville, Alabama Chapter of the Federalist Society on “Bridging the Divide: From Trial Court to the Appellate Bench and an Introduction to AI and its Potential in Constitutional Law and Originalism.”¹

- a. If you are confirmed to the federal bench, what policy would you implement in your chambers regarding use of artificial intelligence (AI) for legal research, writing, and analysis, including the use of commercially available legal research databases that integrate AI?

Response: Any policy formed would be consistent with the local rules of the Middle District of Alabama and 11th Circuit. As an Alabama Supreme Court Justice, we currently use legal research databases that integrate AI. We vet and make sure any information obtained from those databases are accurate.

- b. If you are confirmed to the federal bench, what policy would you implement regarding use of AI for legal research, writing, and analysis by lawyers representing parties before you in the courtroom?

Response: Any policy formed would be consistent with the local rules of the Middle District of Alabama and 11th Circuit. In the absence of a set policy, lawyers would be responsible for any submissions to the court regardless of how it is generated.

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.”²

- 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”?

¹ Senate Judiciary Questionnaire at 6.

² 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: It would be inappropriate for me, as a judicial nominee, to opine on the statements of any political figure or on any subject of political controversy.

3. How would you characterize your judicial philosophy?

Response: As a judge at the trial level, the intermediate appellate level, the Alabama Supreme Court, and—if confirmed—the Middle District of Alabama, my philosophy has always been that courts must apply the law fairly and impartially, even when the outcome does not align with a judge’s personal policy preferences. Courts should be consistent and predictable based on the law and precedent. Everyone who comes before a court should be treated with dignity and respect and should leave feeling that they had the opportunity to be heard, were treated fairly, and that the decision reached in their matter was thoughtful and based on the fair and impartial application of the law.

4. What do you understand originalism to mean?

Response: I understand originalism to refer to a method of constitutional interpretation that requires a judge to apply his or her best understanding of the original public meaning of a constitutional provision when adjudicating cases and controversies.

5. Do you consider yourself an originalist?

Response: In interpreting the Constitution, if confirmed, I would employ methodologies consistent with the methods of interpretation that the Supreme Court employs when it undertakes to interpret constitutional provisions. The Court has routinely interpreted various constitutional provisions by attempting to discern the original meaning of the words used as understood by the public at the time of the Founding. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004); *Wilson v. Arkansas*, 514 U.S. 927 (1995).

6. What do you understand textualism to mean?

Response: I understand textualism to call for a judge to interpret the text as it was written, assigning the meaning it had at the time of its enactment. Context surrounding a law’s passage can be probative to a textualist to the extent that context sheds light on the original public meaning of the statutory text.

7. Do you consider yourself a textualist?

Response: In approaching statutory interpretation, I would follow the methodological instructions of the Supreme Court. The Supreme Court has often instructed that the best meaning of statutory text, as assessed by the time of enactment, is generally entitled to controlling weight. That is the approach I would follow, along with any other relevant instructions.

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: Reliance on legislative history is unnecessary when a statute's language is unambiguous. *See Mohamad v. Palestinian Authority*, 566 U.S. 449, 458 (2012); *see also Whitfield v. United States*, 543 U.S. 209, 215 (2005) (where the meaning of statutory text "is plain and unambiguous, we need not accept [a party's] invitation to consider the legislative history"). To the extent that legislative history may be properly considered, it "is meant to clear up ambiguity, not create it." *Milner v. Dep't of Navy*, 562 U.S. 562, 574 (2011). If confirmed, I would faithfully apply all relevant precedent of the Supreme Court and the Eleventh Circuit concerning the use of legislative history.

- 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.³

- a. What do you attribute this to?

Response: I have a great deal of concern for those disparities. However, it would be inappropriate for me, as a judicial nominee, who would be sentencing defendants if confirmed, to comment further, other than to express the belief that one of my roles as a judge is to eliminate any biases that factor into sentencing disparities.

³ Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

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.⁴

a. What do you attribute this to?

Response: I have a great deal of concern for those disparities. However, it would be inappropriate for me, as a judicial nominee, who would be sentencing defendants if confirmed, to comment further, other than to express the belief that one of my roles as a judge is to eliminate any biases that factor into sentencing disparities.

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?

Response: It is a federal judge's responsibility to remain vigilant to the presence of bias in any form and to work diligently to eliminate it. A judge's duty is to ensure that the courts are fair and impartial, so that every person who comes before them is treated with equal justice, regardless of who they are.

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. No one should ever be excluded from the opportunity to serve as a judge because of race, ethnicity, sex, religion, or any other protected characteristic. My experiences in both law and life are that when people from diverse backgrounds come together, they bring with them diverse perspectives. That diversity broadens our understanding of others and helps us approach the work of judging with greater empathy. On the bench, empathy matters because it allows us to fully appreciate the circumstances of the cases before us and, in turn, to make the fairest and most thoughtful decisions we can. If I am fortunate enough to be confirmed, I would look forward to learning from the experiences of others and drawing on that shared wisdom to better serve the people who appear before me.

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.

⁴ 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.

- a. Abortion
- b. Affirmative action
- c. Contraceptives or birth control
- d. Gender-affirming care
- e. Firearms
- f. Immigration
- g. Same-sex marriage
- h. Miscegenation
- i. Participation of transgender people in sports
- j. Service of transgender people in the U.S. military
- k. Racial discrimination
- l. Sex discrimination
- m. Religious discrimination
- n. Disability discrimination
- o. Climate change or environmental disasters
- p. “DEI” or Diversity Equity and Inclusion

Response: As noted on my Senate Judiciary Questionnaire, I have spoken about the judiciary and at judicial conferences. Those discussions may have touched on the issues listed above, but I do not remember any specifically doing so. 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.

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

Response: I have not had occasion to study these questions exhaustively; my general understanding of the relevant legal considerations is as follows:

If there is a lower court order that binds the Executive Branch or an executive official or agency, the normal course is for the bound party to follow the order and seek appellate review if the party disagrees with the outcome; if the Supreme Court issues an order upon the conclusion of appellate review, that order is to be followed. With respect to potential exceptions to that rule, I am aware of scholarly work that has posited scenarios in which parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See generally, e.g.,* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error “so clear that it is not open to rational question”); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court’s binding “judgment[.]” and its “statements in opinions.” *Camreta v. Greene*, 563 U.S. 692, 704 8 (2011); *see* Abraham Lincoln, First Inaugural Address (Mar. 4, 1861) (discussing Dred Scott v. Sanford). And I am generally aware that certain interlocutory orders might be

immediately appealable only via the avenue of a contempt finding. *See, e.g., Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.”). In *U.S. ex rel. Pogue v. Diabetes Treatment Centers of America, Inc.*, the Sixth Circuit explained that the “general rule” is that a non-party “seeking to appeal a discovery order must first disobey the order and suffer a contempt citation.” 444 F.3d 462, 471 (6th Cir. 2006) (citing *Alexander v. United States*, 201 U.S. 117, 121-22 (1906)). Because a case involving these issues could come before me if I were confirmed as a judge, it would be inappropriate to provide an answer that categorically pre-determines the validity of potential legal arguments for or against adhering to court orders. If any such issues came before me, I would commit to resolving them through the judicial process through careful consideration of the parties’ arguments and application of the governing law and precedents.

- 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: It is my understanding that federal courts typically seek to ensure compliance with court orders through sanctions and civil and criminal contempt procedures, as well as by requiring that parties file status reports and make court appearances to explain compliance efforts and progress. The Supreme Court, for its part, has cautioned that “the contempt power” is something that “uniquely is ‘liable to abuse,’” *Int’l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831 (1994), and that “care is needed to avoid arbitrary or oppressive conclusions.” *Bloom v. Illinois*, 391 U.S. 194, 202 (1968) (citation omitted). I would apply these instructions and any other governing law and precedents to assess whether any allegations of noncompliance were correct or whether any recognized defenses apply.

- 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: ??

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

Response: The Constitution gives the President the authority to veto legislation passed by Congress. Art. I, § 7, cl. 2. Additionally, the Take Care Clause in the U.S. Constitution directs that the President “shall take Care that the Laws be faithfully executed.” U.S. 9 Const., art. II, § 3, cl. 5. The Supreme Court has cited the Take Care Clause as a source of the President’s authority to engage in “enforcement of federal ... laws passed by Congress,” *Trump v. United States*, 603 U.S. 593, 627 (2024), including by “mak[ing] arrests and prosecut[ing] offenses on behalf of the United States,” *United States v. Texas*, 599 U.S. 670, 678-79 (2023). The Supreme Court has further instructed that, under the Take Care Clause and the Vesting Clause, *see* Art. II, § 1, cl. 1, the Executive Branch possesses certain authority and discretion to prioritize enforcement of federal law. *See, e.g., Texas*, 599 U.S. at

679; *Heckler v. Chaney*, 470 U.S. 821, 832 (1985). How these or any other legal principles apply to presidential action implicates issues that could arise before me as a judge; thus, as a judicial nominee, it would be inappropriate for me to provide further comment. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

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

Response: I am generally aware that the issue regarding the Executive Branch's withholding of authorized funds was addressed by the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975). I am also generally aware of the Impoundment Control Act of 1974, 2 U.S.C. § 681 et seq., which provides various procedures for addressing budget and funding issues. As this question relates to an issue that is the subject of litigation in the courts, I do not think that it would be appropriate for me to opine further. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

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: I am generally aware that the issue regarding the Executive Branch's withholding of authorized funds was addressed by the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975). As this question relates to an issue that is the subject of litigation in the courts, I do not think that it would be appropriate for me to opine further. *See* Code of Conduct of U.S. Judges, Canon 3A(6). Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

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

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

Response: The Supreme Court has stated that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The Supreme Court further has an extensive body of precedents discussing what due process requires in various contexts. The question in most cases is less about whether the doctrine of due process applies and more about the amount of process is due. If I am confirmed, I would faithfully apply the relevant precedents of the Supreme Court and the Eleventh Circuit in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to comment further.

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

Response: The Supreme Court has a body of precedents addressing the constitutional limits on legislative delegation of rulemaking authority. *See Gundy v. United States*, 588 U.S. 128, 135-36 (2019) (op. of Kagan, J.) (collecting cases). A case raising such issues, moreover, is presently before the U.S. Supreme Court. *See FCC v. Consumers' Rsch.* (U.S. No. 24-354) (argued Mar. 26, 2025). As a nominee to the Middle District of Alabama, I do not think that it would be appropriate for me to opine further on how these standards may apply, *see* Code of Conduct of U.S. Judges, Canon 3A(6), other than to commit that I will faithfully apply all applicable precedent of the Supreme Court and the Eleventh Circuit on this topic.

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

Response: *Brown* is a landmark ruling that promotes racial equality and rejected the manifestly unjust and incorrect separate-but-equal rule of *Plessy v. Ferguson*, 163 U.S. 537 (1896). Consistent with the position of prior judicial nominees, I consider *Brown* to be one of the limited exceptions to the general principle, explained by Justice Kagan and others, that a judicial nominee generally should not “grade” or give a “thumbs-up or thumbs-down” to particular precedents of the Supreme Court. I agree with prior nominees that the underlying premise of the *Brown* decision—i.e., that “separate but equal is inherently unequal”—is beyond dispute, and that judges can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. Therefore, just as other nominees for judicial office have done, I can confirm that *Brown* was rightly decided consistently with the Code of Conduct.

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

Response: In *Griswold*, the Supreme Court held that the Fourteenth Amendment protects the use of contraceptives. *Griswold* is binding precedent, and I would faithfully follow it and all other Supreme Court precedents, if confirmed to be a judge for the Middle District of Alabama.

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

Response: In *Lawrence*, the Supreme Court held that laws that criminalized sexual intimacy between members of the same sex violate the Fourteenth Amendment. *Lawrence* is binding precedent, and I would faithfully follow it and all other Supreme Court precedents, if confirmed to be a judge for the Middle District of Alabama.

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

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

precedent, and I would faithfully follow it and all other Supreme Court precedents, if confirmed to be a judge for the Middle District of Alabama.

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

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

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

Response: Please see my response to Question 24.

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

Response: Please see my response to Question 24.

25. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”⁵

- 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 25(a).

- 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 25(c).

⁵ U.S. CONST. amend. XXII.

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

Response: Section 1 of the Twenty-Second Amendment states, in part, “No person shall be elected to the office of the President more than twice....” I am unaware of any precedent or Supreme Court interpretation of this portion of the Amendment, and I will not speculate on any particular fact pattern. To the extent the question asks about political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a case that might come before him or her.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: No as to all.

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

Response: No.

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

Response: The action was not adverse, but I was laid off as a Clerk for Hon. John Bush in December 2003.

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

Response: State budget cuts in 2003 affected the judiciary, and law clerk positions were cut from the judicial budget. My position as a law clerk was eliminated.

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.

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

Response: Yes.

40. Article III Project (A3P) “defends constitutionalist judges and the rule of law.” According to Mike Davis, Founder & President of A3P, “I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.”⁶

a. Do you agree with the above statement?

Response: No.

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

Response: No.

c. Are you currently in contact with anyone associated with A3P?

Response: No.

If so, who?

⁶ <https://www.article3project.org/about>

Response: I have no contact with anyone associated with A3P.

- d. Have you ever been in contact with anyone associated with A3P?

Response: No.

If so, who?

Response: I have no contact with anyone associated with A3P.

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

Response: No.

- a. Who?

Response: Not applicable.

- b. What advice did they give?

Response: Not applicable.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: On June 9, I was contacted by a member of the White House Counsel's Office about a potential federal judgeship. June 26, 2025, I interviewed with members of the White House Counsel's Office. On July 24, 2025, I was contacted my White House Counsel's Office and the U.S. Department of Justice to inform me that I would begin the vetting and background check process and asked to complete additional paperwork. Since July 24, I have been in contact with the Justice Department and White House Counsel's Office.

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

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