

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for James Donald Maxwell
Nominee to be U.S. District Judge for the Northern District of Mississippi
September 10, 2025

1. In *Nash v. State*, you wrote for the majority in upholding a 12-year sentence for a defendant convicted of possessing a cell phone while in jail on a misdemeanor offense. You wrote, “While obviously harsh, [the] sentence...is not grossly disproportionate.”

Although Justice King agreed with your decision, he wrote separately to highlight how the case, “seem[ed] to demonstrate a failure of our criminal justice system on multiple levels.” In that concurrence, he referenced the fact that Nash had a wife and three children that depended on him; had stayed out of trouble with the law for nearly a decade since his prior conviction; that the crime was victimless; and the facts suggested that his crime was accidental and likely caused by a failure in booking procedures.

Justice King criticized the prosecution for not exercising prosecutorial discretion in this case and declining to prosecute or offering Nash a plea deal, and the trial judge for not exercising judicial discretion and imposing a lesser sentence within the statutory range, given the facts at hand.

- a. **Do you agree with Justice King that the case, “seem[ed] to demonstrate a failure of our criminal justice system on multiple levels?” Please explain why or why not.**

Response: The Mississippi Supreme Court unanimously affirmed Nash’s sentence. *Nash v. State*, 293 So.3d 265, 267 (Miss. 2020). A jury convicted Nash of “possessing a cell phone in a correctional facility”—a *felony* offense. *See* Mississippi Code Section 47-5-193 (Rev. 2015). Nash’s twelve-year sentence fell clearly within the parameters set by the Legislature, which required that convicted defendants “shall be punished by confinement in the Penitentiary for not less than three (3) years nor more than fifteen (15) years” *Id.* In Mississippi, “the general rule . . . is that a sentence cannot be disturbed on appeal so long as it does not exceed the maximum term allowed by statute.” *Id.* at 267 (quoting *Fleming v. State*, 604 So. 2d 280, 302 (Miss. 1992)). All nine members of the Mississippi Supreme Court agreed the sentence was lawful and affirmance was the correct legal result. I limited my appellate review to the legal question before the Court and did not join Justice King’s separate concurrence.

- b. **Had you been the trial judge in this case, would you have sentenced Mr. Nash to 12 years in prison for this victimless crime caused by an accidental failure by an officer to follow proper booking procedure**

Response: As a sitting justice on an appellate court, “[a]bsent specific authority, it is not the role of an appellate court to substitute its judgment for that of

the sentencing court as to the appropriateness of a particular sentence[.]” *Solem v. Helm*, 463 U.S. 277, 290 fn 16 (1983).

- c. **If confirmed, in addition to applying federal sentencing guidelines, how will you exercise judicial discretion to ensure that defendants receive a just sentence?**

Response: If confirmed as a district judge, I will follow congressional directives, individually assess aggravating and mitigating factors, consult the advisory sentencing guidelines range, consider the parties sentencing arguments, and address the Title 18 § 3553(a) factors, when imposing a fair and just sentence.

2. Earlier this year, you authored the majority opinion in *McKay v. Mississippi State Board of Health*, a case involving a minor who sought a legal name change to assist in the gender transition process. The lower court denied the 16-year-old’s petition, despite having the consent and support of both parents, because the court believed the petitioner should mature before the name change would be determined by the court. On appeal, you affirmed the lower court’s decision.

Justice King wrote separately in dissent. He found the record to be so deficient that it rendered the Mississippi Supreme Court unable to determine whether the lower court properly denied the petition. In support of this position, Justice King cited the lack of evidence of the minor’s maturity level, and the fact that the minor and the parents were prepared to testify but were apparently not afforded the opportunity to do so.

- a. **Was Justice King’s assessment of the sufficiency of the record inaccurate?**

Response: The majority of the Mississippi Supreme Court (by an 8-1 vote) agreed with the petitioner’s representation that the record was sufficient for appellate review.

- b. **If there was no evidence of the minor’s maturity level in the record, and the minor and their parents were present to testify but not called to do so, why did you think there was enough evidence in the record to make a determination?**

Response: See above.

3. **In your Senate Judiciary Questionnaire, you stated that “as an Assistant United States Attorney, my client was the United States of America.” Do you still believe that the client for all Justice Department lawyers is the United States of America?**

Response: The Department of Justice is a federal executive department within the Executive Branch. Justice Department lawyers represent the United States of America in both civil and criminal matters.

4. Your campaign for Mississippi Supreme Court donated hundreds of dollars to New Beginnings, an adoption agency that makes prospective parents sign a pledge agreeing that marriage is between one man and one woman. As a member of the Congressional

Coalition on Adoption, I believe in the importance of providing a safe, supportive home for all children.

a. Do you believe that same-sex couples should be allowed to adopt children?

Response: My campaign also contributed to nonprofit children's services organizations, including the Boys and Girls Club and the Tupelo Regional Rehabilitation Center. I am not familiar with the above-mentioned pledge. To my knowledge, New Beginnings is a Christian service ministry to birth mothers and adoptive parents, licensed by the Mississippi Department of Human Services. As a sitting judge and a judicial nominee, it is not appropriate to comment on policy and political issues.

b. Do you believe that an adoption agency should discriminate against same-sex couples, even if it might be to the detriment of prospective adoptees?

Response: As a sitting judge and a judicial nominee, it is not appropriate to comment on political and policy issues.

c. What would you say to a prospective adoptee who was not able to be adopted because a qualified same-sex couple was turned away by an organization like New Beginnings?

Response: See above.

5. As an Assistant U.S. Attorney, you received two commendations from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for your trial and enforcement work.

a. Do you support proposals by President Trump and congressional Republicans to reduce the ATF's funding by 29 percent and fire over 1,000 agency employees?

Response: As a sitting judge and a judicial nominee, it is not appropriate to comment on political and policy views of the President.

b. Do you support merging ATF with the Drug Enforcement Administration, as the Trump Administration has proposed?

Response: See above.

6. From 2006 to 2007, you served on the Diversity in the Law Committee of the Mississippi Bar Association.

a. What was the purpose of the Diversity in the Law Committee?

Response: To the best of my recollection, during that period, the Diversity in the Law Committee educated Bar members from diverse backgrounds about opportunities in

the legal profession and participation in the Mississippi Bar Association's various committees, CLE programs, governance, sections, and divisions.

b. What work did the Committee undertake?

Response: See above.

c. Who benefitted from the work of the Committee?

Response: See above.

d. Do you stand by the work of the Committee?

Response: Yes. I stand by the above-mentioned work.

7. Did President Trump lose the 2020 election?

Response: President Biden was certified by Congress as the winner of the 2020 election. He served as President from January 2021 to January 2025.

8. Where were you on January 6, 2021?

Response: On January 6, 2021, my father was hospitalized on his eleventh day on a ventilator, suffering from COVID-19. To the best of my recollection, I was in Mississippi helping my mother draft a petition for a conservatorship to handle his affairs. My father died on January 15, 2021.

9. Do you denounce the January 6 insurrection?

Response: The events and characterization of the conduct of persons at the Capitol on January 6, 2021, have become a topic of significant political debate. As a sitting judge and a judicial nominee, it is not appropriate for me to comment or give personal views on political issues.

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

Response: Article II of the Constitution confers to the President the power to pardon. I am aware of legal challenges to pardons granted to those prosecuted for involvement in events at the Capitol on January 6, 2021. As a sitting judge and judicial nominee, it is not appropriate to comment on pending litigation or to give personal views on political issues.

11. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding

that they are illegal or unconstitutional. Alarmingly, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

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

Response: Aggrieved litigants have several options. If the order is final, a litigant may seek a stay and appeal that order to a higher court. If the order is non-final, the litigant may ask the court to reconsider its ruling. The litigant may also seek permission to file an interlocutory appeal with a higher court. As the Supreme Court has also acknowledged, extraordinary circumstances may exist in which a writ of mandamus may be sought or situations where a litigant may choose to defy a court order to prevent disclosure of confidential information, triggering the right to appeal any resulting contempt ruling. *Mohawk Indus. v. Carpenter*, 558 U.S. 100 (2009).

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

Response: Generally, litigants must follow all court orders, though rare scenarios exist where a court lacks jurisdiction or, as mentioned above, a litigant strategically chooses to defy an order, notably a discovery order, to keep certain information confidential, hoping the discovery order will be overturned on appeal. *Mohawk Indus. v. Carpenter*, 558 U.S. 100 (2009).

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

Response: Under the Constitution, public officials of all three branches are sworn to uphold the Constitution. In the context of federal court orders, typically, if a party questions the lawfulness of an order the party either will ask the issuing court to reconsider the order or, if the order is final, appeal it to a higher court, advancing the reasons why the party believes the order is unlawful.

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

a. Are non-party injunctions constitutional?

Response: The United States Supreme Court recently addressed a related issue in *Trump v. CASA, Inc.*, 145 S. Ct. 2540 (2025), holding that the universal injunctions likely exceed the equitable authority granted to courts by Congress. If confirmed as a district court judge, I will follow all Supreme Court precedent.

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

Response: See above.

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

Response: See above.

- 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.

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

Response: No.

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

Response: According to the Twenty-Second Amendment, Section 1, “No person shall be elected to the office of the President more than twice.”

- 15. 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...”**

- 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: As a sitting judge and a judicial nominee, it is not appropriate to comment on political statements made by the President on social media.

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

Response: See above.

- 16. 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” and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”**

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

Response: As a sitting judge and a judicial nominee, it is not appropriate to comment on political statements made by the President’s adviser on social media.

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

Response: See above.

- 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: See above.

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

Response: Supreme Court precedent is binding. Lower courts should never depart from controlling Supreme Court precedent.

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

Response: As a district court nominee, it is not appropriate for me to advise the Fifth Circuit what standard it should apply when reviewing its own precedent. The Fifth Circuit issues opinions as three-judge panels. One three-judge panel cannot overturn the ruling of another three-judge panel. Only the Fifth Circuit sitting *en banc* may overrule its own precedent, based on standards set forth in its caselaw.

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

Response: As a district court nominee, it is not appropriate for me to advise the Supreme Court what standards it should apply when reviewing precedent. Only the Supreme Court may overrule its precedent. The Supreme Court has identified several factors to consider when it is deciding whether to overrule past precedent. They include the quality of the prior decision’s reasoning, the workability of the rule the decision established, the consistency between the decision and other related decisions, developments since the decision was handed down, and reliance on that decision. *Janus v. Am. Fed’n of State, Cnty., and Mun. Emps., Council*, 31, 585 U.S. 878 (2018).

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

- a. *Brown v. Board of Education*

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

Response: Consistent with my testimony on September 3, 2025, it is not appropriate for judicial nominees to publicly opine whether particular Supreme Court precedents were correctly decided. To my knowledge, past nominees have only made exceptions for two decisions—*Brown v. Board of Education* and *Loving v. Virginia*. Consistent with my testimony on September 3, I agree both decisions were correctly decided. If confirmed, I will faithfully apply both decisions. I will also apply each of the above-listed binding Supreme Court precedents.

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

Response: If confirmed as a district court judge, I will look to binding Supreme Court and Fifth Circuit precedent interpreting the Constitution's text. If faced with a novel constitutional issue, I will employ the Supreme Court's and Fifth Circuit's interpretive methodologies. Both courts routinely interpret constitutional provisions according to the meaning of the text as originally understood by the public at ratification. *Crawford v. Washington*, 541 U.S. 36 (2004); *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 17, 25, 28 (2022); *Abbott v. Biden*, 70 F.4th 817, 823 (5th Cir. 2023).

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

Response: See above.

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

Response: The United States Supreme Court held in *Obergefell* that same-sex marriage is a constitutionally protected right. As stated above, it is not appropriate for judicial nominees to publicly opine whether particular Supreme Court precedents were correctly decided. If confirmed, I will apply *Obergefell* as binding precedent.

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

Response: Yes. The United States Supreme Court recognized in *Loving v. Virginia* the constitutional right to marry someone of a different race. As stated above, *Loving* is one of two cases in which past nominees have opined on whether the case was rightly decided. I agree that *Loving* was correctly decided and is consistent with the original meaning of the Constitution.

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

Response: The relevant text of the Fourteenth Amendment says, states shall not “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.” The Equal Protection Clause ensures a state’s laws do not impact or target certain protected classes unfairly. When challenged, the court will review or scrutinize the law. The level of scrutiny depends on the classification impacted. Strict or intermediate scrutiny applies when protected characteristics or quasi-protected characteristics are affected—like race and gender. The Due Process clause ensures fairness, particularly in criminal procedure, due process also requires civil litigants receive notice and an opportunity to be heard. Notably, it is the Fourteenth Amendment’s Due Process Clause through which many of the rights contained in the Bill of Rights have been incorporated to the States. The Supreme Court has also acknowledged a substantive aspect to constitutional due process.

26. 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 relied on the Fourteenth Amendment’s Equal Protection Clause when deciding women’s rights and same-sex marriage rights. *E.g.*, *Obergefell v. Hodges*, 576 U.S. 644 (2015); *United States v. Virginia*, 518 U.S. 515 (1996). If confirmed as a district judge, I would apply these Supreme Court precedents and other binding Supreme Court precedent.

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

Response: If confirmed as a district court judge, I will look to binding Supreme Court and Fifth Circuit precedent interpreting the Constitution’s text. If faced with a novel constitutional issue, I will employ the Supreme Court’s and Fifth Circuit’s interpretive methodologies. Both courts routinely interpret constitutional provisions according to the meaning of the text as originally understood by the public at ratification. *Crawford v. Washington*, 541 U.S. 36 (2004); *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 17, 25, 28 (2022); *Abbott v. Biden*, 70 F.4th 817, 823 (5th Cir. 2023).

28. 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: See above.

29. 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 in some instances determined the First Amendment applies differently to different persons. *Ginsburg v. New York*, 390 U.S. 629 (1968).

30. 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: Broadly speaking, a law aimed at *what* is being said is content-based, while a law that targets the *manner* in which speech is delivered (including time and place) is content-neutral. If confirmed as a district court judge, when faced with a First Amendment challenge, I would apply controlling Supreme Court and Fifth Circuit precedent to the facts before me.

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

Response: According to the Supreme Court, the standard is recklessness—meaning the speaker is aware that others could regard his statements as threatening violence but delivers them anyway. *Counterman v. Colorado*, 600 U.S. 66 (2023).

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

Response: Under the Fifth Amendment, “No person shall . . . be deprived of life, liberty, or property, without due process of law.” Similarly, the Fourteenth Amendment provides that no State shall “deprive any person of life, liberty, or property, without due process of law[.]” In most cases, the question is less involved with whether due process applies and more with how much process is due.

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

Response: I understand this issue is currently being litigated in federal courts. As a sitting judge and a judicial nominee, it would not be appropriate for me to provide a legal opinion on a pending matter.

34. 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: I understand this issue is currently being litigated in federal courts. As a sitting judge and a judicial nominee, it would not be appropriate for me to provide a legal opinion on a pending matter.

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: See above.

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

Response: Yes. Nobody should be excluded from the opportunity to serve as a judge based solely on race, ethnicity, sex, religion, or any other protected characteristic. Having qualified and experienced judges from various legal backgrounds makes for a well-rounded judiciary.

36. 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: Judges must follow congressional directives when sentencing defendants. This includes applying the *First Step Act*, the advisory Sentencing Guidelines, and the 18 U.S.C. § 3553(a) factors. In line with the First Step Act, judges must exercise discretion fairly, consistently, and in-step with congressional intent. If confirmed as a district judge, I would be bound to apply the statute.

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

Response: Yes.

37. 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: To the best of my knowledge, 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: To the best of my knowledge, no. As shown in responses in my questionnaire, I have given dozens of speeches and presentations to legal, civic, and school groups over the years. I do not recall ever giving a speech for a Federalist Society group.

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

Response: No.

38. 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: To the best of my knowledge, 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.

- 39.** 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: To the best of my knowledge, 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.

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

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

Response: To the best of my knowledge, 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.

41. 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: To the best of my knowledge, 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.

42. 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: To the best of my knowledge, 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.

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

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

Response: To the best of my knowledge, 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.

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

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

Response: No.

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

Response: No.

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

Response: I am unfamiliar with the Concord Fund or 85 Fund. I am unaware whether any organizations have made undisclosed donations on behalf of my nomination. And I have no information about whether this has occurred with other nominees so as to form an opinion.

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

Response: If confirmed, I will follow the recusal standards set forth in 28 U.S.C. § 455, and I “shall disqualify [my]self in any proceeding in which [my] impartiality might reasonably be questioned.”

- 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 any attempt to make undisclosed donations on behalf of my nomination. To the extent this question asks me to comment on political activity, as a sitting judge and a judicial nominee, it would be not be appropriate to provide my personal view on a political issue.

**Nomination of James Donald Maxwell to the
United States District Court for the Northern District of Mississippi
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: When applying a statute or constitutional provision, the text should be interpreted according to its plain language and applied as written, consistent with any binding precedent from higher courts. As I shared with the Committee on September 3, 2025, I believe a trial judge should not only call “balls and strikes” but maintain a consistent strike zone. This way all litigants—civil and criminal—who appear before the court know what to expect and are assured they will be treated fairly.

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

Response: If confirmed as a district judge, I will look to binding Supreme Court and Fifth Circuit precedent interpreting the Constitution’s text. If faced with a novel constitutional issue, I will employ the Supreme Court’s and Fifth Circuit’s interpretive methodologies. Both courts routinely interpret constitutional provisions according to the meaning of the text as originally understood by the public at ratification. *E.g., Crawford v. Washington*, 541 U.S. 36 (2004); *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 17, 25, 28 (2022); *Abbot v. Biden*, 70 F.4th 817, 827-29 (5th Cir. 2023).

- i. How do you determine whether a statute’s text is ambiguous?**

Response: A statute is ambiguous if it is susceptible to more than one meaning. The paramount consideration is the text of the statute itself and the language used in context.

- ii. After you've determined that the text is ambiguous, what extrinsic sources—like legislative history or intent—do you look to when interpreting the statute's meaning?**

Response: Related statutes on the same subject are an important source in interpreting an ambiguous statute. Related statutes should not be construed together as to render one statute absurd or meaningless. Precedent interpreting the text is also pertinent.

- iii. What are your criteria for using extrinsic sources to aid in the interpretation of statutory or constitutional provisions?**

Response: If confirmed, I will follow all Supreme Court and Fifth Circuit guidance on using extrinsic sources to aid in interpretation.

- 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 confirmed as a district court judge, I would look to binding Supreme Court and Fifth Circuit precedent interpreting the Constitution's text and the standards set forth in applicable Supreme Court precedent, including, when appropriate, *Obergefell* and *Glucksberg*.

- 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. Many Supreme Court cases require courts to consider whether the right is deeply rooted in the nation's history and tradition.

- 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: As a district judge, I would be bound to apply all controlling Supreme Court and Fifth Circuit precedent. If an issue has not been addressed by either of those courts, other circuits' decisions may possibly be persuasive.

- 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: As district judge, I would consider any other factors identified by Supreme Court and Fifth 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. District court judges must follow all orders from the respective circuit court and Supreme Court.

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: Courts often consider changing facts when deciding cases. For instance, an older regulation may not necessarily abridge speech as it might today when applied to the internet or emerging technologies. The relevance of such changing facts are decided on a case-by-case basis.

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

Response: Evidentiary rules permit an expert’s scientific, technical, or specialized testimony if it is based on sufficient data, is the product of reliable principles and methods, and reflects a reliable application of the principles and methods to the facts of the case. As with all other evidence, to be admissible, expert testimony must be relevant to the subject case.

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. Judges must follow congressional directives in each case when sentencing defendants, including the need to consider supervised release, the advisory Sentencing Guidelines, and the Title 18 U.S.C. § 3553(a) factors.

- 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: When enacting this statute, Congress determined in some instances early termination of supervised release is appropriate. If confirmed as a district judge, in line with the *Safer Supervision Act*, I will consider early termination when appropriate based on Title 18 U.S.C. § 3583 and the individual circumstances.

- 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: To my knowledge, no court has recognized a private right of action based on the Take Care Clause found in Article II, Section 3, of the Constitution. If this question was ever presented to me, I would fairly and impartially consider the parties' briefs and arguments.

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

Response: According to the Twenty-Second Amendment, Section 1, “No person shall be elected to the office of the President more than twice.”

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

Response: Congress certified President Trump as winner of the 2016 election. President Trump served as the 45th President from January 2017 to January 2021.

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

Response: Congress certified President Biden as winner of the 2020 election. President Biden served as 46th President from January 2021 to January 2025.

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

Response: Congress certified President Trump as winner of the 2024 election. President Trump is currently serving as the 47th President.

13. 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 events and characterization of the conduct of persons at the Capitol on January 6, 2021, have become a topic of significant political debate. As a sitting judge and a judicial nominee, it is not appropriate for me to provide my personal views on political issues. I do not condone violence, especially directed toward law enforcement. Also, a close family member, early in her career, worked for the Sergeant at Arms for the Senate. So I have a personal and deep regard for those tasked with keeping safe the United States Capitol Building and the people who work there.

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

Response: Article II of the Constitution confers to the President the power to pardon. I am aware of legal challenges to pardons issued for those prosecuted for involvement in events at the Capitol on January 6, 2021. As a sitting judge and a judicial nominee, it is not appropriate to comment on pending litigation or to give personal political views.

15. 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: As a sitting judge and a judicial nominee, it is not appropriate for me to opine on what I would do if I were President.

16. 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: Without more detail, I am unable to answer this hypothetical. Free Speech is protected under the First Amendment. But what constitutes free speech as opposed to a true threat or actionable liable is fact and context specific.

17. 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: My understanding is that this issue is currently being litigated. As a sitting judge and a judicial nominee, it would not be appropriate for me to weigh in and provide a legal opinion.

18. 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: This question asks about current political disputes. As a sitting judge and a judicial nominee, it would not be appropriate for me to weigh in or provide a legal opinion.

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

Response: The Supreme Court held in *Griswold* that laws banning contraceptives violate the fundamental constitutional right to privacy. If confirmed as a district judge, I would be bound to follow *Griswold* and all binding precedents.

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

Response: The Constitution does not explicitly mention a "right to travel." But in *Saenz v. Roe*, 526 U.S. 489, 500 (1999), the Supreme Court acknowledged the "right to travel" "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."

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

Response: See above.

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

Response: See answer to question 19.

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

Response: Precedent suggests the answer to that question depends on the context. For example, for medical records of prisoners, there is a consensus among the United States Courts of Appeal that prisoners have no absolute constitutional right in the privacy of their medical records.

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

Response: The Fourth Amendment prohibits the government from unreasonable searches and seizures, but without more detail, I am unable to fully answer the hypothetical. And as a sitting judge and judicial nominee, it would not be appropriate for me to provide an advisory legal opinion.

22. 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: I am not aware of any Supreme Court or Fifth Circuit decision that has addressed IVF in the context of the fundamental right to privacy. My understanding is that this is an emerging legal issue. As a sitting judge and a judicial nominee, it would not be appropriate for me to give an advisory legal opinion. If confirmed, I will apply all binding Supreme Court and Fifth Circuit precedent on the fundamental right to privacy to any relevant claims before me.

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

According to the Fifth Amendment, "No person shall . . . be deprived of life, liberty, or property, without due process of law." In most cases, the question is less involved with whether due process applies and more with how much process is due. I understand presidents of both parties have sought expedited deportation in some circumstances that include fewer procedures than a full trial.

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

Both the Supreme Court and the Fifth Circuit in various cases have interpreted constitutional provisions according to the meaning of the text as originally understood by the public at ratification. *Crawford v. Washington*, 541 U.S. 36 (2004); *N.Y. State Rifle*

& Pistol Ass’n v. Bruen, 597 U.S. 1, 17, 25, 28 (2022); *Abbott v. Biden*, 70 F.4th 817, 823 (5th Cir. 2023). If confirmed, I will follow Supreme Court and Fifth Circuit precedent.

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

Response: A district judge must look to the language of the law or regulation and apply binding precedent to determine if the law or regulation is unconstitutional or illegal. A judge cannot uphold or strike a law based on personal views. That would be a legislative act and violate Separation of Powers.

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

Response: Under Article III, Section 2, federal judges may only adjudicate actual cases and controversies. Federal judicial rulings always have practical consequences to the parties impacted by the rulings. Judges should not be outcome determinative. Neither can judges ignore the real-world impact of their rulings, especially for criminal defendants.

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

Responses: Judges must be fair and impartial and respectful to all litigants. Law is not applied in a vacuum. And as mentioned above, rulings always have practical consequences that affect real people’s lives and livelihoods. Even so, judges must apply the law to the facts of the case before them, regardless if they are sympathetic to a litigant.

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

Responses: Judges must be fair and impartial. Their task is to apply the law to the facts of the case in front of them. Ideally, a judge’s personal and professional experiences will aid him or her in gaining the wisdom, knowledge, and integrity necessary to apply the law fairly and impartially.

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

Response: I cannot envision a scenario in which I would tell a party they need not comply with an order I issued. Generally, litigants must follow all court orders, though rare scenarios exist where a court lacks jurisdiction or a litigant strategically chooses to defy an order, notably a discovery order, to keep certain information confidential, hoping the discovery order will be overturned on appeal. *Mohawk Indus. v. Carpenter*, 558 U.S. 100 (2009).

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

Response: See above.

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

Response: I would determine if the circumstances warranted holding the party in civil or criminal contempt.

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

Response: My father, the late James D. Maxwell, who practiced law until his death in 2021.

31. Discuss your proposed hiring process for law clerks.

Response: As an appellate judge, I have hired multiple law clerks over the past sixteen years. My process is to carefully consider all applicants. Obtaining a writing sample and conducting an in-person interview are key, as strong written and oral communication skills are critical to a law clerk's success.

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

Response: No law clerk should face discrimination based on race, color, religion, sex, or national origin. To the extent the question asks for a personal view on the scope of legislation, it is not appropriate for me, as a sitting judge and a judicial nominee, to weigh in on a legislative matter.

32. 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 that 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 have overseen a judicial staff for more than sixteen years. We work as a team. That means we respect one another. If confirmed, I will lead my federal staff like my state court staff, with each member knowing that I care for

their best interest and well-being and will act swiftly if someone disrespects a staff member.

- 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: See above.

- 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 report the allegations to the court's employment dispute resolution contact and the chief judge.

- 33. 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: If confirmed, I would be open to creating opportunities for new lawyers to gain valuable court experience.

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

Response: I would encourage young lawyers to attend court often—either on their client's behalf or to observe other proceedings. As I mentioned during my committee hearing, my father often drove me to school as a child listening to cassette recordings of Racehorse Haynes, Moe Levine, Percy Foreman, and Melvin Belli—some of our nation's preeminent trial lawyers. These sources helped me understand and appreciate trial work. With fewer opportunities for young lawyers to gain trial experience, I would suggest similar resources as well as developing mentorships with seasoned trial attorneys practicing in the community.

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

Response: If confirmed as a district court judge, I will look to binding Supreme Court and Fifth Circuit precedent interpreting the Constitution's text. If faced with a novel constitutional issue, I will employ the Supreme Court's and Fifth Circuit's interpretive methodologies. Both courts routinely interpret constitutional provisions according to the meaning of the text as originally understood by the public at ratification. *Crawford v.*

Washington, 541 U.S. 36 (2004); *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 17, 25, 28 (2022); *Abbott v. Biden*, 70 F.4th 817, 823 (5th Cir. 2023).

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

Response: Many well-respected scholars who have addressed this topic, have concluded *Brown v. Board of Education* is consistent with an originalist interpretation. *E.g.*, Michael W. McConnell, *Originalism and the Desegregation Decision*, 81 Va. L. Rev. 947, 1140 (1995) (“This Article shows . . . that school segregation was understood during Reconstruction to violate the principles of equality of the Fourteenth Amendment.”). As stated in my committee hearing, I believe *Brown v. Board of Education* was correctly decided and is binding precedent.

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

Response: Scholars have explained how *Loving* is consistent with originalism—as influenced by Justice Scalia—which looks to the original *public meaning* of the text, not just the subjective intent of the drafters. *E.g.*, Steven G. Calabresi and Andrea Matthews, *Originalism and Loving v. Virginia*, 2012 B.Y.U. L. Rev. 1393 (2012) (“The Fourteenth Amendment and the Civil Rights Act of 1866 gave African Americans the same right as is enjoyed by white citizens either to marry a white citizen . . .”). *Loving v. Virginia* was correctly decided based on an originalist interpretation of the Fourteenth Amendment and is binding precedent.

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

Response: Consistent with my testimony on September 3, 2025, it is not appropriate for judicial nominees to publicly opine whether particular Supreme Court precedents were correctly decided. To my knowledge, past nominees have only made exceptions for two decisions—*Brown v. Board of Education* and *Loving v. Virginia*. If confirmed, I will faithfully apply both decisions and all binding Supreme Court precedent.

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

Response: By my count, the majority opinion in *Obergefell* referenced *Loving* eight times.

Questions for the Record for Justice James Maxwell
Submitted by Senator Richard Blumenthal
September 10, 2025

1. You served as a federal prosecutor for seven years in the United States Attorney's Office for the Northern District of Mississippi. During that time, you served as a member of both the Organized Crime Drug Enforcement Task Force and the Project Safe Neighborhoods Task Force.

- a. **Please describe the work you did as part of each above-mentioned task force.**

Response: As a member of the Organized Crime Drug Enforcement Task Force, I worked with federal, state, and local law enforcement agencies to investigate and prosecute drug trafficking cases assigned to me by the Northern District of Mississippi's OCDEF Chief. As a member of the Project Safe Neighborhoods Task Force, I worked with federal, state, and local law enforcement agencies to investigate and prosecute gun crimes affecting Mississippi communities.

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: If confirmed, I will follow the recusal standards set forth in 28 U.S.C. § 455, and I "shall disqualify [my]self in any proceeding in which [my] impartiality might reasonably be questioned."

- 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: See above.

- 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 above.

- 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 above.

- 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: Yes. If confirmed, I will follow Judicial Code of Conduct 3(a)(4) concerning *ex parte* communications.

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

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any other laws, rules, and procedures governing these circumstances.

- 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: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any other laws, rules, and procedures governing these circumstances.

- 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: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any other laws, rules, and procedures governing these circumstances.

- 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: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any other laws, rules, and procedures governing these circumstances.

- 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. If confirmed, I will follow the Code of Conduct for United States Judges, and any other laws, rules, and procedures governing these circumstances.

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

Response: Yes. If confirmed, I will follow the Code of Conduct for United States Judges, and any other laws, rules, and procedures governing these circumstances.

- 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. If confirmed, I will follow the Code of Conduct for United States Judges, and any other laws, rules, and procedures governing these circumstances.

- 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: As the question acknowledges, the Supreme Court has declared the contempt power essential to the due administration of justice.

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

Response: As the question suggests, this issue appears to involve recent proposed legislation. As a sitting judge and a judicial nominee, it would not be appropriate for me to give a legal opinion, especially on a question that may appear in federal court one day.

- 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: If confirmed, I will have the ability to issue orders in matters before the Northern District of Mississippi assigned to me.

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

Response: Yes. District judges have the ability to enforce their orders.

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

Response: If confirmed, if any party subject to the district court's jurisdiction appears to ignore or defy an order issued by the court, I would apply the standards set forth in Supreme Court and Fifth Circuit precedent regarding contempt. Contempt may be civil or criminal. To hold a respondent in civil contempt, it must be found by clear and convincing evidence that "(1) a court order was in effect, (2) the order required specified conduct by the respondent, and (3) the respondent failed to comply with the court's order." *United States v. City of Jackson*, 359 F.3d 727, 731 (5th Cir.2004). To be found guilty of criminal contempt, the contemptuous conduct must be proven beyond a reasonable doubt. *Gompers v. Buck's Stove & Range Co.*, 221 U.S. 418 (1911).

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: Aggrieved litigants have several options. If the order is final, a litigant may seek a stay and appeal that order to a higher court. If the order is non-final, the litigant may ask the court to reconsider its ruling. The litigant may also seek permission to file an interlocutory appeal with a higher court. As the Supreme Court has also acknowledged, extraordinary circumstances may exist in which a writ of mandamus may be sought or situations where a litigant may choose to defy a court order to prevent disclosure of confidential information, triggering the right to appeal any resulting contempt ruling. *Mohawk Indus. v. Carpenter*, 558 U.S. 100 (2009).

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

Response: Generally, litigants must follow all court orders, though rare scenarios exist where a court lacks jurisdiction or, as mentioned above, a litigant strategically chooses to defy an order, notably a discovery order, to keep certain information confidential, hoping the discovery order will be overturned on appeal. *Mohawk Indus. v. Carpenter*, 558 U.S. 100 (2009).

d. What would make a court order unlawful?

Response: An issuing Court's lack of jurisdiction would be the most obvious reason a court order is unlawful.

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

Response: Typically, if a party questions the lawfulness of an order, the party either will ask the issuing court to reconsider the order or, if the order is final, appeal the order to a higher court, advancing the reasons why the party believes the order is unlawful.

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

Response: Generally, litigants must follow all court orders, though rare scenarios exist where a court lacks jurisdiction or, as mentioned above, a litigant strategically chooses to defy an order, notably a discovery order, to keep certain information confidential, hoping the discovery order will be overturned on appeal. *Mohawk Indus. v. Carpenter*, 558 U.S. 100 (2009).

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

Response: No. On January 6, 2021, my father was hospitalized on his eleventh day on a ventilator, suffering from COVID-19. To the best of my recollection, I was in Mississippi helping my mother draft a petition for a conservatorship to handle his affairs. My father died January 15, 2021.

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

Response: See above.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for James Donald Maxwell

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 *Brown v. Board of Education*, the Supreme Court established that a doctrine of “separate but equal” has no place in public education, because separate is inherently unequal.

- a. **Do you believe the case was rightly decided?**

Response: Consistent with my testimony on September 3, 2025, it is not appropriate for judicial nominees to publicly opine whether particular Supreme Court precedents were correctly decided. To my knowledge, past nominees have only made exceptions for two decisions—*Brown v. Board of Education* and *Loving v. Virginia*. Consistent with my testimony on September 3, I agree *Brown v. Board of Education* was correctly decided. If confirmed, I will faithfully apply *Brown v. Board of Education* and all binding Supreme Court precedent.

3. In *Obergefell v. Hodges*, the Supreme Court held that “same-sex couples may exercise the fundamental right to marry in all States,” and that “there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character.”

- a. **Do you believe the case was rightly decided?**

Response: Consistent with my testimony on September 3, 2025, it is not appropriate for judicial nominees to publicly opine whether particular Supreme Court precedents were correctly decided. To my knowledge, past nominees have only made exceptions for two decisions—*Brown v. Board of Education* and

Loving v. Virginia. If confirmed, I will faithfully apply all binding Supreme Court precedent.

- b. **If you have not answered this question with a “yes” or “no” but did answer question 2 above, explain why you feel the cases are differently situated such that you chose to answer them differently.**

Response: Consistent with my testimony on September 3, 2025, it is not appropriate for judicial nominees to publicly opine whether particular Supreme Court precedents were correctly decided. To my knowledge, past nominees have made exceptions for two decisions—*Brown v. Board of Education* and *Loving v. Virginia*. As Justice Ketanji Brown Jackson wrote in response, *Brown* warrants this special status because that decision overruled the manifest injustice of *Plessy v. Ferguson*, 163 U.S. 537 (1896), and the underlying premise of the *Brown* decision—i.e., that “separate but equal is inherently unequal”—is beyond dispute. *Loving* is a direct outgrowth of *Brown*. If confirmed, I will faithfully apply all binding Supreme Court precedent.

Nomination of James Donald Maxwell II
United States District Court for the Northern District of Mississippi
Questions for the Record
Submitted September 10, 2025

QUESTIONS FROM SENATOR BOOKER

1. In 2025, you authored a majority opinion of the Mississippi Supreme Court that upheld a ruling that denied a transgender teen’s name change despite his parents’ consent. The majority opinion repeatedly identified and referred to the transgender teen as a female and affirmed the chancellor’s conclusion that “it [is] in the minor’s best interest to wait until [he] was more mature to decide to legally change [his] name as part of a gender transition.”

- a. **According to the majority’s reasoning, under what circumstances would a minor ever be able to legally change their name as part of a gender transition?**

Response: In *McKay*, a minor biological female’s trial attorney referred to her young client as “she” and “her” when appearing before a chancellor and petitioning the court to change the minor’s name as part of a gender transition. The chancellor dismissed the name change petition to be refiled when the minor is more mature. On review, the Mississippi Supreme Court affirmed, holding (in an 8-1 opinion)—that based on longstanding Mississippi precedent—chancellors “have discretionary authority to grant or deny a minor’s requested name change. In fact, a chancellor may only grant a petition to change a minor’s name when it is ‘clearly in the best interest of the child.’” *S.M.-B. by & through McKay v. Miss. State Bd. of Health*, 407 So. 3d 1050, 1055 (Miss. 2025) (quoting *Marshall v. Marshall*, 230 Miss. 719, 93 So. 2d 822, 825 (1957)). Thus, the chancellor did not manifestly err by dismissing the name change petition to be refiled when the minor is more mature. *Id.* To the extent this question asks for an advisory opinion, or to comment on future matters that may come before the Court, it is not appropriate for a sitting judge and judicial nominee to so opine.

- b. **According to the majority’s reasoning, under what circumstances would a non-transgender minor be able to legally seek a name change?**

Response: See above.

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.”

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

Response: As a sitting judge and a judicial nominee, it would not be appropriate to comment on personal statements of Attorney General Bondi or her perception of the nomination process.

3. How would you characterize your judicial philosophy?

Response: When applying a statute or constitutional provision, the text should be interpreted according to its plain language and applied as written, consistent with any binding precedent from higher courts. As I shared with the Committee on September 3, 2025, I believe a trial judge should not only call “balls and strikes” but maintain a consistent strike zone. This way all litigants—civil and criminal—who appear before the court know what to expect and are assured they will be treated fairly.

4. What do you understand originalism to mean?

Response: As I understand originalism, constitutional provisions should be interpreted according to the meaning of the text as originally understood by the public at ratification.

5. Do you consider yourself an originalist?

Response: If confirmed as a district court judge, I will look to binding Supreme Court and Fifth Circuit precedent interpreting the Constitution’s text. If faced with a novel constitutional issue, I will employ the Supreme Court’s and Fifth Circuit’s interpretive methodologies. Both courts routinely interpret constitutional provisions according to the meaning of the text as originally understood by the public at ratification. *E.g.*, *Crawford v. Washington*, 541 U.S. 36 (2004); *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 17, 25, 28 (2022); *Abbot v. Biden*, 70 F.4th 817, 827-29 (5th Cir. 2023).

6. What do you understand textualism to mean?

Response: As I understand it, textualism calls for a judge to interpret the text as written, according to its meaning at the time of enactment.

7. Do you consider yourself a textualist?

Response: In approaching statutory interpretation, I would follow the methodological instructions of the Supreme Court and Fifth Circuit.

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: See answer to question 7.

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

Response: As the Supreme Court has said, “Legislative history is not the law.” *Epic Sys. Corp. v. Lewis*, 584 U.S. 497, 523 (2018). Once Congress passes a statute, the task of the court is to determine, not what Congress meant, but what the statute means. *Id.*

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.

a. What do you attribute this to?

Response: Not being familiar with this study, any opinion on the above-cited statistics would be speculative. As a district judge nominee, if confirmed, I will treat all criminal defendants before me fairly and consistently, without regard to color, race, or ethnicity.

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.

a. What do you attribute this to?

Response: I am unfamiliar with the above-mentioned report and any insight the report gives as to observed sentencing disparities. As a district judge nominee, if confirmed, I will treat all criminal defendants before me fairly and consistently, without regard to color, race, or ethnicity.

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: Each criminal case should be considered fairly and individually on its merits. And as I shared with the Committee on September 3, 2025, I believe a trial judge’s role is

to not only call “balls and strikes” but to maintain a consistent strike zone. Among the sentencing factors judges must assess, is “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” Title 18 U.S.C. § 3553(a).

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. Nobody should be excluded from the opportunity to serve as a judge based solely on race, ethnicity, sex, religion, or any other protected characteristic. Having qualified and experienced judges from various legal backgrounds makes for a well-rounded judiciary.

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.

- 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: To the best of knowledge, I have never published any articles or made any public statements related to the above topics.

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

Response: Generally, litigants must follow all court orders, though rare scenarios exist where a court lacks jurisdiction or, a litigant strategically chooses to defy an order, notably a discovery order, to keep certain information confidential, hoping the discovery order will be overturned on appeal. *Mohawk Indus. v. Carpenter*, 558 U.S. 100 (2009).

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

Response: If confirmed, if any party subject to the district court's jurisdiction appears to ignore or defy an order issued by the court, I would apply the standards set forth in Supreme Court and Fifth Circuit precedent regarding contempt. Contempt may be civil or criminal. To hold a respondent in civil contempt, it must be found by clear and convincing evidence that "(1) a court order was in effect, (2) the order required specified conduct by the respondent, and (3) the respondent failed to comply with the court's order." *United States v. City of Jackson*, 359 F.3d 727, 731 (5th Cir.2004). To be found guilty of criminal contempt, the contemptuous conduct must be proven beyond a reasonable doubt. *Gompers v. Buck's Stove & Range Co.*, 221 U.S. 418 (1911).

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: Generally, litigants must follow all court orders, though rare scenarios exist where a court lacks jurisdiction or, a litigant strategically chooses to defy an order, notably a discovery order, to keep certain information confidential, hoping the discovery order will be overturned on appeal. *Mohawk Indus. v. Carpenter*, 558 U.S. 100 (2009). Seeking a stay and appealing a temporary restraining order or preliminary injunction is the most common way to avoid immediate compliance with a TRO or injunction.

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

Response: According to the Constitution, the President "shall take Care that the Laws be faithfully executed" U.S. Const., Art. II, § 3. The President has the authority to object to and not sign into law bills presented to him. U.S. Const., Art. I, § 7.

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

Response: My understanding is that this issue is currently being litigated. As a sitting judge and a judicial nominee, it would not be appropriate to provide a legal opinion.

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: My understanding is that this issue is currently being litigated. As a sitting judge and a judicial nominee, it would not be appropriate to provide a legal opinion.

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

Response: Yes.

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

Response: According to the Fifth Amendment, “No person shall . . . be deprived of life, liberty, or property, without due process of law.” In most cases, the question is less involved with whether due process applies and more with how much process is due. I understand presidents of both parties have sought expedited deportation in some circumstances that include fewer procedures than a full trial.

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

Response: Article I, Section 1 of the Constitution provides that “[a]ll legislative Powers herein granted shall be vested in a Congress of the United States.” According to the Supreme Court, congress cannot delegate this power. *Fed. Commc’ns Comm’n v. Consumers’ Rsch.*, 145 S. Ct. 2482, 2491 (2025). My understanding is that the extent the non-delegation doctrine impacts an agency’s rule-making ability is currently being litigated. As a sitting judge and a judicial nominee, it would not be appropriate for me to provide a legal opinion.

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

Response: Consistent with my testimony on September 3, 2025, it is not appropriate for judicial nominees to publicly opine whether particular Supreme Court precedents were correctly decided. To my knowledge, past nominees have only made exceptions for two decisions—*Brown v. Board of Education* and *Loving v. Virginia*. Consistent with my testimony on September 3, I agree *Brown* was correctly decided.

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

Response: *Griswold* is binding precedent. That case concerned persons convicted under Connecticut’s birth-control law. The Supreme Court held that Connecticut’s law forbidding use of contraceptives unconstitutionally intrudes upon the right of marital privacy.

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

Response: *Lawrence* is binding precedent. That case concerned criminal convictions for sodomy. The Supreme Court struck down the Texas law under which they were convicted, ruling it violated the petitioners' fundamental right to liberty.

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

Response: *Obergefell* is binding precedent. That case concerned state same-sex marriage bans and their impact on couples who wished to marry and officials issuing licenses and certificates. The Supreme Court held that, under the Due Process and Equal Protection Clauses of the Fourteenth Amendment, same-sex couples may not be deprived of the fundamental right to marry.

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

Response: Congress certified President Biden as the winner of the 2020 election. Certification is the method of determining the result of the election. President Biden served as the 46th President from January 2021 to January 2025.

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

Response: Congress certified President Biden as the winner of the 2020 election.

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

Response: I have never personally inquired into the vote counts for the 2020 election. As a sitting judge and judicial nominee, it is not appropriate to provide a personal view of the accuracy of a political election.

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

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

Response: Congress certified President Trump as winner of the 2016 election. He served as President from January 2017 to January 2021.

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

Response: Constitutionally, the winner of the presidential election is selected by the electoral college. To win a majority of the electoral college, a candidate needs at

least 270 votes. According to the National Archives, in the 2016 election, President Trump received 304 electoral college votes.

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

Response: As a result of the 2024 election, President Trump is currently serving as the 47th President of the United States.

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

Response: Constitutionally, the winner of the presidential election is selected by the electoral college. To win a majority of the electoral college, a candidate needs at least 270 votes. According to the National Archives, in the 2024 election, President Trump received 312 electoral college votes.

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

Response: According to the Twenty-Second Amendment, Section 1, “No person shall be elected to the office of the President more than twice....”

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

Response: In preparation for the confirmation hearing, I met with Department of Justice attorneys who provided guidance on what questions the committee has asked to nominees in the past and my ethical obligations as a judicial nominee bound by the Code of Conduct for United States Judges. The answers I gave at the confirmation hearing were my own.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

- 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. I do not know any of the individuals listed, and to the best of my knowledge, I have not communicated with any of them.

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

Response: To the best of my knowledge, I have never spoken or corresponded with anyone convicted and later pardoned in connection with the events at the Capitol on January 6, 2021.

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

Response: No.

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

Response: I affirm that I have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

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

Response: Yes.

- 41. Article III Project (A3P) “defends constitutionalist judges and the rule of law.”**
According to Mike Davis, Founder & President of A3P, “I started the Article III Project

in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.”

a. Do you agree with the above statement?

Response: I am not involved with A3P and am unfamiliar with its founder’s reason for starting the organization. To the extent this question asks for my personal political views, it is not appropriate for me as a sitting judge and a judicial nominee to give my personal opinion on political issues.

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

Response: To the best of my knowledge, no.

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

Response: No.

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

Response: To the best of my knowledge, no.

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

Response: No.

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

Response: During the nomination process, I have been in contact with various individuals with the Office of Legal Policy. While they advised me generally on various types of information required to complete the SJQ, I determined what cases to include.

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

Response: No. I decided what cases to include in my SJQ, based on what was asked.

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

Response: To the best of my knowledge, no.

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

Response: To the best of my knowledge, no.

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

Response: On April 17, 2025, I was contacted by the White House Counsel's Office to schedule an interview. On April 24, 2025, I interviewed with attorneys from the White House Counsel's Office and the Justice Department's Office of Legal Policy. On May 29, 2025, I was notified by the White House Counsel's Office that the President was considering nominating me for the United States District Court for the Northern District of Mississippi. Since then, I have been in regular contact with the Office of Legal Policy to discuss required submissions, logistics, preparing for the committee hearing, and my responses to written questions.

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

Response: In answering these written questions, I looked over past nominees' responses and reviewed the Constitution, Supreme Court and Fifth Circuit Precedent, and relevant legal topics. I wrote responses to each question submitted. I submitted my draft responses to the Office of Legal Policy, which in turn provided feedback. I then finalized my answers before submitting them.