

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Harold D. Mooty III
Nominee to be U.S. District Judge for the Northern District of Alabama
September 10, 2025

1. You seem to have taken an interest in the use of artificial intelligence in modern legal practice, especially the legal and ethical implications of its use.

a. In your view, what are some of the pitfalls of the use of AI in the context of legal proceedings?

Response: The primary pitfall of generative artificial intelligence is the heightened risk of hallucinations and other errors if attorneys or parties use such tools to prepare court filings. Courts have found many factual and legal errors in pleadings, motions, briefs, etc. that were not carefully reviewed for accuracy prior to filing. As a result, lawyers across the country have been sanctioned for their failure to follow Rule 11 of the Federal Rules of Civil Procedure. A related pitfall is the increased use of generative artificial intelligence by *pro se* litigants who lack the necessary education, training, and experience to evaluate the accuracy of similar work product. Both pitfalls increase the need for courts to review filings for such errors to preserve the fair and efficient administration of justice.

b. If confirmed, how would you limit the use of AI in your courtroom?

Response: I would first consult with my peers in the Northern District of Alabama as well as in the Eleventh Circuit. Their experiences limiting the use of artificial intelligence in the courtroom will prove valuable. Moreover, I would comply with all applicable district, circuit, and national guidelines governing the use artificial intelligence. My general practice would be to prohibit the use of any recording devices, including, for instance, artificial intelligence chatbots. I would also prohibit any such chatbot from addressing the court, whether directly or indirectly. All parties and their counsel would be required to comply with the Federal Rules of Evidence governing the authentication and admissibility of evidence. No artificially generated exhibit or demonstrative would be allowed outside the normal rules of federal practice and procedure.

2. You have significant experience in civil litigation, especially medical malpractice and business and commercial litigation. However, less than half of your practice has been in federal courts, and you have no experience working on criminal proceedings at all.

a. If you are confirmed, how would you get up to speed on federal and criminal proceedings?

Response: I have extensive experience litigating in federal court, including, for instance, trying a complex commercial case to jury verdict last year as lead

counsel. The primary cause of my slightly higher percentage of state court litigation is the favorable state court venue in Madison County, Alabama where I live and work. Our local state court judges are experienced with business and commercial litigation cases which decreases the frequency of removal to federal court.

With respect to criminal proceedings, I am well-versed in the Federal Rules of Civil Procedure and the Federal Rules of Evidence. The Federal Rules of Criminal Procedure were modeled after the civil rules. It is also common for judicial nominees in private practice to focus on either civil or criminal work instead of both. When I was asked to potentially serve on the federal bench, I spent significant time studying criminal procedure, including, but not limited to, analyzing the Federal Sentencing Guidelines, Federal Rules of Criminal Procedure, and relevant materials from the Federal Judicial Center. I also observed multiple criminal proceedings in federal court. Indeed, most of my time preparing for this position has been spent getting up to speed on the criminal docket in the Northern District of Alabama even though criminal cases constitute only one third or less of the total cases filed. I will continue to prepare for the criminal caseload while my nomination is pending.

b. If you are confirmed, how would you ensure that litigants—including criminal defendants—feel they have received a fair hearing before you?

Response: As I expressed during my confirmation hearing, in seventeen years of private practice, my goal has always been to be the most prepared in the courtroom. If I am fortunate enough to be confirmed as a federal judge, I would ensure that all litigants perceive my level of preparedness and fairness when I take the bench each day. I will treat all litigants with dignity and respect. I will give each criminal defendant the attention their case deserves and nothing less.

3. During your time at the University of Alabama, you worked with the school's African American Foundation (now the Black Student Union) and the NAACP on an anti-racism messaging campaign. In 2024, the university took away the Black Student Union's office due to the passage of state legislation banning public funding of diversity, equity, and inclusion (DEI) initiatives.

Given your prior work with this organization to counter racism, do you support the organization being targeted by Alabama lawmakers?

Response: I am unaware of the facts and circumstances that form the basis of this question. I left the University of Alabama's undergraduate campus more than twenty years ago and have not kept abreast of which student groups remain active or maintain office space. I have and will, however, continue to oppose racism in my personal and professional life.

4. Did President Trump lose the 2020 election?

Response: Joe Biden was certified as the 46th President of the United States. President Trump was certified as the 45th and 47th President. If this question asks me to comment on the broader political or policy debate regarding the 2020 presidential election, it would be inappropriate for me to do so as a judicial nominee.

5. Where were you on January 6, 2021?

Response: I was in Huntsville, Alabama.

6. Do you denounce the January 6 insurrection?

Response: I denounce any and all acts of violence against law enforcement and government officials; however, the characterization of the events of January 6 is subject to ongoing political debate. It would be inappropriate for me to comment on such a political debate as a judicial nominee.

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

Response: As an Article III judicial nominee, it would not be appropriate for me to comment on the application of the pardon power wielded by a separate but equal branch of government in Article II of the United States Constitution. Furthermore, the pardons themselves are the subject of ongoing litigation and I may not comment on any matter that is or may come before me as a judge.

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

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

Response: Federal litigants should comply with district court orders and proceed under the Federal Rules of Civil Procedure and Federal Rules of Appellate Procedure. Generally, the available mechanism is to appeal the district court order as well as seek a stay of the order while the appeal is pending.

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

Response: I have not litigated this issue in my career, nor have I carefully studied or written on the subject. It is my general understanding that, under extremely

limited circumstances, a litigant could lawfully disregard an order from a lower federal court if, for instance, the court lacked subject matter jurisdiction. The most appropriate method, however, of challenging such an order is to comply pending appellate review.

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

Response: Generally, the power to interpret the legality of Article III federal district court orders is vested in the Article III federal appellate courts.

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

a. Are non-party injunctions constitutional?

Response: The Supreme Court recently held in *Trump v. CASA, Inc.* that “universal” injunctions that go beyond what is necessary to provide full relief to the parties “can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power.” 145 S. Ct. 2540, 2550 (2025). The Court’s statutory holding, however, did not resolve whether the Constitution would be violated by such universal relief. The Eleventh Circuit has suggested that such relief “push[es] against the boundaries of judicial power.” *Georgia v. President of the United States*, 46 F.4th 1283, 1303 (11th Cir. 2022). If confirmed, I would apply these and other relevant precedents. As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

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

Response: Please see my answer to question 9(a).

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

Response: Please see my answer to question 9(a).

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: While I have extensive experience litigating cases involving injunctive relief, I have never sought a non-party injunction as a form of relief.

10. 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.

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

Response: The 22nd Amendment to the U.S. Constitution specifies a two-term limit for the Office of President.

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

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

Response: As an Article III judicial nominee, it would be inappropriate for me to comment on the political rhetoric from the Article II branch which is a separate but equal branch of government. It would be improper for a judicial nominee to comment on statements by any political figure as part of a broader political debate.

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

Response: As an Article III judicial nominee, it would be inappropriate for me to comment on the political rhetoric from the Article II branch which is a separate but equal branch of government. It would be improper for a judicial nominee to comment on statements by any political figure as part of a broader political debate.

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

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

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

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

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

Response: As an Article III judicial nominee, it would be inappropriate for me to comment on the political rhetoric from the Article II branch which is a separate but equal branch of government. It would be improper for a judicial nominee to comment on statements by any political figure as part of a broader political debate.

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

Response: As an Article III judicial nominee, it would be inappropriate for me to comment on the political rhetoric from the Article II branch which is a separate but equal branch of government. It would be improper for a judicial nominee to comment on statements by any political figure as part of a broader political debate.

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: My photograph is currently available on social media.

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

Response: A district judge may not depart from binding U.S. Supreme Court precedent.

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

Response: I am not a nominee to a circuit court vacancy; therefore, it would be inappropriate for me to comment on a circuit court's decision-making process.

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

Response: I am not a nominee to the U.S. Supreme Court; therefore, it would be inappropriate for me to comment on the U.S. Supreme Court's decision-making process.

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

a. *Brown v. Board of Education*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a "thumbs-up or thumbs down" on prior decisions or to "grade the homework" of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan's guidance. *Brown v. Board of Education*, however, has historically been an exception to this guiding principle.

Therefore, I am comfortable sharing my belief that this case was correctly decided. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Brown*.

b. *Plyler v. Doe*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Plyler*.

c. *Loving v. Virginia*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. *Loving v. Virginia*, however, has historically been an exception to this guiding principle. Therefore, I am comfortable sharing my belief that this case was correctly decided. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Loving*.

d. *Griswold v. Connecticut*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Griswold*.

e. *Trump v. United States*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Trump*.

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

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Dobbs*.

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

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Bruen*.

h. *Obergefell v. Hodges*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Obergefell*.

i. *Bostock v. Clayton County*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Bostock*.

j. *Masterpiece Cakeshop v. Colorado*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court

judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Masterpiece*.

k. *303 Creative LLC v. Elenis*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *303 Creative*.

l. *United States v. Rahimi*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Rahimi*.

m. *Loper Bright Enterprises v. Raimondo*

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Loper Bright*.

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

Response: If there is ambiguity, I believe a district judge should look to the original public meaning of the words in the U.S. Constitution in the absence of binding precedent from the U.S. Supreme Court or the Eleventh Circuit.

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

Response: If there is ambiguity, the original public meaning of the words in the U.S. Constitution would control in the absence of binding precedent from the U.S. Supreme Court or the Eleventh Circuit.

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

Response: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system. I would faithfully apply all binding U.S. Supreme Court precedent, including *Obergefell*.

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

Response: *Loving* is binding precedent of the U.S. Supreme Court, and I would faithfully apply it.

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

Response: The U.S. Supreme Court has interpreted the Equal Protection Clause of the Fourteenth Amendment to restrict the government’s ability to classify persons in a way that either lacks a rational basis or infringes fundamental rights on the basis of suspect or quasi-suspect characteristics. The Court has interpreted the Due Process Clause to establish both substantive rights and procedural rules.

23. 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: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system. I would faithfully apply all binding U.S. Supreme Court precedent, including *Virginia*, *Lawrence*, and *Obergefell*.

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

Response: Please see my response to Question 18.

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

Response: Please see my response to Question 18.

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

Response: The “people” as that word is used in the First Amendment to the U.S. Constitution. I would apply all binding precedent of the U.S. Supreme Court and the Eleventh Circuit regarding the proper scope of First Amendment protections.

27. 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: I would apply all binding precedent of the U.S. Supreme Court and the Eleventh Circuit regarding the designation of certain regulations as either “content-based” or “content-neutral”.

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

Response: According to the U.S. Supreme Court, “[t]rue threats’ of violence is [a] historically unprotected category of communications.” *Counterman v. Colorado*, 660 U.S. 66, 74 (2023) (citations omitted). The words must be “serious expressions” that the speaker intends “to commit an act of unlawful violence.” *Id.*

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

Response: Due process protections stem from the Fifth and Fourteenth Amendments to the U.S. Constitution. Due process applies to all “‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The question typically at issue is what process is due in specific circumstances. I would apply all binding precedent of the U.S. Supreme Court and the Eleventh Circuit regarding what due process is required in specific contexts. To the extent this asks me to opine on current political or legal disputes, as a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

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

Response: Please see my answer to Question 29.

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

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

Response: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

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

Response: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

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

Response: Yes, because the legal profession includes demographic and professional diversity to provide legal services to a demographically and professionally diverse population. I have had the privilege of representing clients from all walks of life, including volunteering my time to counsel indigent parties. Our judges should want to serve the public by administering justice fairly and impartially to all persons, regardless of their backgrounds. My desire to continue to serve is what led me to this nomination process.

33. 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: I view all statutory authority equally and will apply the same impartially. The First Step Act is no different and would receive the requisite attention and application in the event a case on my docket raised the Act.

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

Response: I will fully and fairly apply all applicable laws and precedent that control the sentencing process.

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

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

Response: No, but certain members of my current law firm are members of the Federalist Society. I speak and correspond with such persons in furtherance of my professional duties to my clients, not as part of the selection process to become a federal judge.

- 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: No.

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

Response: No.

35. 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: Not to my knowledge.

- 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.

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

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

Response: Not to my knowledge.

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: Not to my knowledge.

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

Response: No.

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

Response: No.

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

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

Response: Not to my knowledge.

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

Response: No.

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

Response: No.

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

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

Response: Not to my knowledge.

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

Response: No.

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

Response: No.

40. 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: Not to my knowledge.

- 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.

41. 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: Not to my knowledge.

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

Response: No.

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

Response: No.

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

Response: I have no knowledge of any such donations. I am similarly unaware of any outside groups or special interests either supporting or opposing my nomination.

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

Response: I will commit to complying with all applicable ethics rules and codes of conduct. As a judicial nominee, it would not be appropriate for me to address policy questions concerning what the ethics rules or codes of conduct should be.

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

Response: I have no knowledge of any such donations. I am similarly unaware of the Concord Fund or the 85 Fund.

**Nomination of Harold Mooty to the
United States District Court for the Northern District of Alabama
Questions for the Record
Submitted September 10, 2025**

QUESTIONS FROM SENATOR COONS

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

Response: No.

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

Response: No.

2. How would you describe your judicial philosophy?

Response: If I am confirmed as a district judge, I would faithfully and impartially apply the U.S. Constitution, all governing laws, all applicable rules, and all binding precedent from the U.S. Supreme Court and Eleventh Circuit. I would treat all persons who appear before me with dignity and respect. I would give each case or controversy the time and attention that it is due. I would not attempt to legislate from the bench and would put aside my own personal opinions or policy preferences. I would also move my docket along efficiently to avoid unnecessary delay in the fair administration of justice.

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

Response: As a district judge, I would faithfully apply the standards set forth by the U.S. Supreme Court in analyzing rights under the Fourteenth Amendment.

- 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. I would first consult the applicable U.S. Supreme Court precedent before consulting those sources relied upon by the Court in its analysis.

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

Response: As a district court judge, if the right is recognized in binding U.S. Supreme Court or Eleventh Circuit precedent, then my role would be to faithfully apply the precedent's analysis to the case or controversy before me. If there is no such binding precedent, I would carefully consider persuasive authority from other courts of appeal.

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

Response: Yes.

- e. What other factors would you consider?

Response: I would carefully consider any relevant factor identified by either the U.S. Supreme Court or the Eleventh Circuit.

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

Response: As a district court judge, it would never be appropriate for me to disregard, refuse to implement, or issue an order that is contrary to binding U.S. Supreme Court or Eleventh Circuit precedent.

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

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

Response: As a district judge, I would apply U.S. Supreme Court and Eleventh Circuit precedent governing when such evidence is relevant and admissible, recognizing that certain doctrines and equitable remedies may call for consideration of real-world facts established in the record.

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

Response: As a district court judge, I would faithfully apply all binding precedents from the U.S. Supreme Court and Eleventh Circuit concerning the role of such evidence in a particular case or controversy. Generally, potential scientific, technical, or other specialized knowledge is evaluated pursuant to Rule 702 of the Federal Rules of Evidence for relevance and reliability prior to admissibility as evidence.

6. In your Senate Judiciary Questionnaire, you noted that your legal practice involves no criminal proceedings.

- a. Do you have any experience in criminal law?

Response: I have not practiced criminal law. I have advised clients with criminal-law issues and referred them to specialized counsel.

- b. Why are you qualified to serve as a district judge in a court with a substantial criminal docket?

Response: I am well-versed in the Federal Rules of Civil Procedure and the Federal Rules of Evidence. The Federal Rules of Criminal Procedure were modeled after the civil rules. I have been studying the Federal Rules of Criminal Procedure, the Federal Sentencing Guidelines, and Federal Judicial Center materials. I have observed multiple federal criminal proceedings. I will continue preparing for the Northern District of Alabama's criminal caseload.

- c. What training or education do you intend to pursue to bolster your criminal law knowledge?

Response: I will continue the training and education I began in December 2024, including careful review of the Sentencing Guidelines, the Criminal Rules, and FJC resources, and I will keep observing criminal proceedings in the district. I will also seek mentorship from experienced colleagues on the bench, including judges with extensive criminal-law experience.

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

amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

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

Response: Yes.

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

Response: Yes.

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

Response: Yes.

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

Response: As a judicial nominee, it would be inappropriate for me in the abstract to formulate potential judicial remedies in a hypothetical case or controversy.

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

Response: The 22nd Amendment to the U.S. Constitution includes a two-term limit for U.S. Presidents.

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

Response: Our system of government determines who won an election to the Office of President of the United States by who is certified as the winner based on the electoral college vote. This process resulted in Donald Trump serving as the 45th President of the United States.

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

Response: Our system of government determines who won an election to the Office of President of the United States by who is certified as the winner based on the electoral college vote. This process resulted in Joe Biden serving as the 46th President of the United States.

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

Response: Our system of government determines who won an election to the Office of President of the United States by who is certified as the winner based on the electoral college vote. This process resulted in Donald Trump serving as the 47th President of the United States.

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: I denounce any and all acts of violence against law enforcement and government officials; however, the characterization of the events of January 6 is subject to ongoing political debate. It would be inappropriate for me to comment on such a political debate as a judicial nominee.

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

Response: As an Article III judicial nominee, it would not be appropriate for me to comment on the application of the pardon power wielded by a separate but equal branch of government in Article II of the United States Constitution. Furthermore, the pardons themselves are the subject of ongoing litigation and I may not comment on any matter that is or may come before me as a judge.

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 an Article III judicial nominee, it would not be appropriate for me to comment on the application of the pardon power wielded by a separate but equal branch of government in Article II of the United States Constitution. Furthermore, the pardons themselves are the subject of ongoing litigation, and I may not comment on any matter that is or may come before me as a judge.

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: As an Article III nominee, it would be inappropriate for me in the abstract to evaluate the constitutionality of actions by an Article II governmental official in a hypothetical case or controversy.

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: As an Article III nominee, it would be inappropriate for me in the abstract to evaluate the constitutionality of actions by an Article II governmental official in a hypothetical case or controversy.

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: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

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: Yes, the U.S. Supreme Court has determined that the use of contraceptives is protected by the U.S. Constitution. Accordingly, as district judge, I would faithfully apply *Giswold* and all other precedents from the U.S. Supreme Court.

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

Response: Yes, the U.S. Supreme Court has repeatedly recognized a fundamental right to interstate travel. Accordingly, as district judge, I would faithfully apply that precedent from the U.S. Supreme Court.

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

Response: As a judicial nominee, it would be inappropriate for me in the abstract to evaluate the constitutionality of actions by states in a hypothetical case or controversy. Generally, restrictions by states of fundamental rights are subject to strict scrutiny analysis.

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

Response: As I referenced in a preceding answer, the U.S. Supreme Court has recognized a constitutional right to privacy in cases such as *Griswold*. I would faithfully apply *Griswold* and all other precedents from the U.S. Supreme Court.

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

Response: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

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

Response: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

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: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

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

Response: Due process protections stem from the Fifth and Fourteenth Amendments to the U.S. Constitution. Due process applies to all “‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I would apply all binding precedent of the U.S. Supreme Court and the Eleventh Circuit regarding what due process is required in specific contexts.

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

Response: If there is ambiguity, I believe a district judge should look to the original public meaning of the words in the U.S. Constitution in the absence of binding precedent from the U.S. Supreme Court or the Eleventh Circuit.

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

Response: As a district judge, I would first consult the applicable U.S. Supreme Court and Eleventh Circuit precedent before consulting those sources relied upon by those courts in the formulation of their opinions.

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

Response: Article III judges do not decide cases or controversies based on their own personal beliefs or morals. Judges must not attempt to legislate from the bench. Instead, they must impartially evaluate the parties’ claims and defenses based on the arguments and evidence presented, applying governing law and binding precedent.

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

Response: Practical consequences can matter when the governing legal standard makes them relevant – such as the factors for preliminary injunctive relief or other equitable remedies. But a judge’s task is to apply the law to the facts. Practical consequences cannot override controlling statutes or binding precedent.

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

Response: The primary role empathy can play is when a district court judge explains a particular decision or ruling to an individual party in a civil or criminal proceeding. Administering justice fairly and impartially sometimes requires judges to explain in greater detail the reason for a decision than might otherwise be required. Generally, however, it would be inappropriate for judges to rely on their own personal beliefs or feelings when adjudicating specific cases or controversies. Instead, a judge should evaluate the legal merits of the parties' claims and defenses using applicable law and binding precedent.

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

Response: Every judge brings personal life experience to the bench. That experience can help a judge manage proceedings and communicate decisions with clarity and respect. It should not guide the judge's decision-making at the expense of applicable law and binding precedent.

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

Response: No. Court orders are binding. Absent a stay, modification, or reversal by a higher court, parties must comply.

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

Response: None. If a party seeks relief from an order, the proper course is to request a stay or other appropriate relief. Until granted, the order must be obeyed.

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

Response: I would follow the Federal Rules and applicable precedent, which may include directing compliance, awarding fees or sanctions where warranted (e.g., under Rules 16(f) or 37), or initiating contempt proceedings after providing notice and an opportunity to be heard. The response would depend on the circumstances and the governing law.

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

Response: My father.

32. Discuss your proposed hiring process for law clerks.

Response: If I am confirmed as a district court judge, I would comply with all applicable ethics rules, published opinions, and codes of conduct concerning the hiring of law clerks. I would consult with other judges in the Northern District of Alabama regarding their processes. I would speak with colleagues, former law professors, and other contacts regarding potential candidates. Generally, I anticipate that I will receive and review applications from candidates, then determine which candidates to interview. I anticipate multiple interviews as well as discussions with various references associated with the candidate. The final decision will be based on merit and overall fit within my chambers.

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

Response: Every employee should work in a safe, respectful, and nondiscriminatory environment. Whether Title VII applies is a question for Congress and the courts. Regardless, I will follow all applicable laws and the judiciary's Employment Dispute Resolution (EDR) Plan, and I will maintain chambers policies that prohibit discrimination and harassment and strictly forbid retaliation.

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

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

Response: I will (1) adopt and share written chambers policies that mirror the judiciary's EDR Plan; (2) provide clear, multiple reporting avenues – including outside my chambers – with anti-retaliation assurances; (3) require annual training for myself and staff on anti-harassment, EEO, and bystander intervention; (4) hold an expectations meeting on day one and periodic check-ins; (5) document and address issues promptly and, where necessary, escalate to the Chief Judge or appropriate office.

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

Response: I will ensure concerns can be raised confidentially, are acknowledged promptly, and are addressed under established procedures. If a concern implicates me, I will immediately recuse from handling it and refer it to the Chief Judge or the appropriate office.

- 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 follow all applicable ethics rules, opinions, and codes of conduct regarding reporting. Where appropriate, I would consult the Chief Judge and otherwise ensure the concern is addressed through the judiciary's established processes.

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

Response: I would consider issuing guidance – after consulting colleagues – encouraging opportunities for junior lawyers where client consent and case needs allow. In my courtroom, I intend to: (1) welcome reasonable requests to allocate a portion of argument

to a junior lawyer; (2) invite junior counsel to address discrete issues at conferences; (3) be flexible with scheduling to promote participation; and (4) offer brief, constructive feedback when feasible. I would not require any client to use a particular lawyer.

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

Response: Please see my preceding answer. If I am confirmed as a district court judge, I would do my utmost to engage with young lawyers in my courtroom, but not to the detriment of the strategic decisions counsel and their client have made.

35. Do you believe there are differences in access to representation between indigent and affluent litigants?

Response: Yes, there can be situations where, for instance, a party's socioeconomic status prevents them from retaining counsel and instead must appear *pro se*. On other occasions, a party's socioeconomic status may enable them to afford more capable counsel, whether in quantity or quality.

- a. If confirmed, what would you do to ensure equal access to justice in your courtroom?

Response: Equal justice begins with each judge applying the law faithfully and impartially, regardless of a party's background. If confirmed as a district court judge, I would treat all parties who appear before me with dignity and respect. I would exercise patience with *pro se* litigants and suggest the assistance of volunteer legal services or public defenders where appropriate.

36. Do you consider yourself an originalist?

Response: If there is ambiguity, I believe a district judge should look to the original public meaning of the words in the U.S. Constitution in the absence of binding precedent from the U.S. Supreme Court or the Eleventh Circuit.

- 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: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a "thumbs-up or thumbs down" on prior decisions or to "grade the homework" of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan's guidance. *Brown v. Board of Education*, however, has historically been an exception to this guiding principle.

Therefore, I am comfortable sharing my belief that this case was correctly decided. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Brown*.

The Fourteenth Amendment of the Constitution requires equal protection of all citizens under the laws. See U.S. Const. amend. xiv (“[N]or shall any state . . . deny to any person within its jurisdiction the equal protection of the laws.”). This topic has been the subject of significant scholarly attention and that many well-renowned scholars believe the decision is consistent with originalist principles. See, e.g., Michael W. McConnell, *Originalism and the Desegregation Decision*, 81 Va. L. Rev. 947, 1140 (1995) (“This Article shows . . . that school segregation was understood during Reconstruction to violate the principles of equality of the Fourteenth Amendment.”).

- 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: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. *Loving v. Virginia*, however, has historically been an exception to this guiding principle. Therefore, I am comfortable sharing my belief that this case was correctly decided. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Loving*.

The Fourteenth Amendment of the Constitution requires equal protection of all citizens under the laws. See U.S. Const. amend. xiv (“[N]or shall any state . . . deny to any person within its jurisdiction the equal protection of the laws.”). This topic has been the subject of significant scholarly attention and that many well-renowned scholars believe the decision is consistent with originalist principles. See, e.g., David R. Upham, *Interracial Marriage and the Original Understanding of the Privileges or Immunities Clause*, 42 Hastings Constitutional Law Quarterly 213 (2015); Steven G. Calabresi and Andrea Matthews, *Originalism and Loving v. Virginia*, 2012 BYU L. Rev. 1393 (2012).

- 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: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Judge Kagan’s guidance. Therefore, it would be inappropriate for me to answer this question. If confirmed as a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court, including *Obergefell*.

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

Response: I believe *Loving v. Virginia* is cited five times in Justice Kennedy’s majority opinion.

**Questions for the Record for Harold Mooty
Submitted by Senator Richard Blumenthal
September 10, 2025**

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

Response: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning recusals.

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

Response: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning recusals.

- 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: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning recusals.

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

Response: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning recusals.

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

Response: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct 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: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning my interactions with non-parties.

- 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: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning my interactions with non-parties.

- 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: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning public statements.

- 3. 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: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning financial disclosures.

- 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: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning the receipt of gifts.

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

Response: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning travel, hospitality, and entertainment.

- 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: I will faithfully comply with all applicable ethics rules, published opinions, and codes of conduct concerning outside teaching, speaking, and writing activities.

- 4. 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: I believe in equally and impartially applying the applicable federal rules of both criminal and civil procedure, including the specific rules governing contempt proceedings.

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

Response: I believe in equally and impartially applying the applicable federal rules of both criminal and civil procedure, including the specific rules governing contempt proceedings. If such a case came before me, I would similarly follow binding precedent from the U.S. Supreme Court and Eleventh Circuit. To the extent the question asks me to comment on the subject of political controversy or ongoing litigation, it would be inappropriate for me to do so as a judicial nominee.

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

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

Response: Yes.

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

Response: The Federal Rules of Criminal and Civil Procedure include mechanisms to enforce a district court’s orders.

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

Response: Federal district courts typically enforce their orders using the applicable rules of criminal and civil procedure, including available sanctions and contempt procedures.

- 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: According to the Federal Rules of Civil Procedure as well as the Federal Rules of Appellate Procedure, a federal official could seek relief from a district court order by moving for a stay during the pendency of the official's appeal to the appropriate appellate court. As a judicial nominee, it would be inappropriate for me to go any further and attempt to pre-determine or validate certain legal arguments given that such a federal official could come before me. It would likewise be inappropriate for me to comment on pending or impending litigation in the federal courts.

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

Response: According to the Federal Rules of Civil Procedure as well as the Federal Rules of Appellate Procedure, a state official could seek relief from a district court order by moving for a stay during the pendency of the official's appeal to the appropriate appellate court. As a judicial nominee, it would be inappropriate for me to go any further and attempt to pre-determine or validate certain legal arguments given that such a state official could come before me. It would likewise be inappropriate for me to comment on pending or impending litigation in the federal courts.

- d. What would make a court order unlawful?

Response: Generally, the absence of subject matter jurisdiction would prohibit a district court from lawfully entering an order.

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

Response: Please see my answer to question 5. b-c.

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

Response: Please see my answer to question 5. b-c.

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

Response: No.

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

Response: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record to Harold Dean Mooty III

1. As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two initial questions:
 - a. **Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**

Response: No.

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

Response: No.

2. The Trump Administration is continuing its wholesale assault on the value of multiculturalism. Through executive orders, he has attempted to dismantle decades of work to promote equal opportunity and inclusion in a multicultural society. While you were at the University of Alabama, you spoke on a panel sponsored by the NAACP encouraging the construction of a “multicultural center on campus.”
 - a. **Do you still believe, as you did then, that multiculturalism in schools is a benefit to the educational system?**

Response: Yes. In my experience, students benefit when a campus welcomes individuals from a wide range of backgrounds and life experiences. During my time at the University of Alabama, I served in student leadership and worked with many student groups. At that time, I expressed support for a student-initiated proposal to create a multicultural center. If confirmed, my personal views would not influence my decisions. I would apply the law to the facts of each case, consistent with binding precedent.

- b. **If your answer to (2)(a) was anything other than “yes,” what considerations have influenced you to change your position?**

Response: Not applicable; my answer to 2.a. is “Yes.”

Nomination of Harold D. Mooty III
United States District Court for the Northern District of Alabama
Questions for the Record
Submitted September 10, 2025

QUESTIONS FROM SENATOR BOOKER

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

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

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

Response: As an Article III judicial nominee, it would be inappropriate for me to comment on the political rhetoric from the Article II branch which is a separate but equal branch of government. It would be improper for a judicial nominee to comment on statements by any political figure as part of a broader political debate.

2. How would you characterize your judicial philosophy?

Response: If I am confirmed as a district judge, I would faithfully and impartially apply the U.S. Constitution, all governing laws, all applicable rules, and all binding precedent from the U.S. Supreme Court and Eleventh Circuit. I would treat all persons who appear before me with dignity and respect. I would give each case or controversy the time and attention that it is due. I would not attempt to legislate from the bench and would put aside my own personal opinions or policy preferences. I would also move my docket along efficiently to avoid unnecessary delay in the fair administration of justice.

3. What do you understand originalism to mean?

Response: My understanding is that originalism is the view that the U.S. Constitution's meaning was fixed at the time it was adopted and should be interpreted today according to its original public meaning. As a district judge, my task would be to apply that law – faithfully and neutrally – under binding U.S. Supreme Court and Eleventh Circuit precedent.

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

4. Do you consider yourself an originalist?

Response: If there is ambiguity, I believe a district judge should look to the original public meaning of the words in the U.S. Constitution in the absence of binding precedent from the U.S. Supreme Court or the Eleventh Circuit.

5. What do you understand textualism to mean?

Response: My understanding is that textualism is the view that courts interpret statutes by focusing on the words Congress enacted – their ordinary public meaning at the time of enactment – read in context and as part of the whole statutory scheme. A textualist’s goal is to apply the law as written, not to implement policy preferences or individual will.

6. Do you consider yourself a textualist?

Response: In the absence of ambiguity, I believe a district judge should look to the ordinary meaning of the words in a statute and not to the legislative history or other materials that were not made law through the process of bicameralism and presentment.

7. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. 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: In the absence of ambiguity, no. I would faithfully apply all binding precedent of the U.S. Supreme Court and the Eleventh Circuit concerning the use of legislative history.

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

Response: If a statute is ambiguous in a particular case or controversy, I would first look to the surrounding sections of the statute and applicable U.S. Supreme Court and Eleventh Circuit precedent. I would also consult the Canons of Statutory Construction. Generally, I would not attempt to discern congressional intent outside the four corners of the law that was passed through bicameralism and presentment. I would consider congressional intent when instructed to do so by the U.S. Supreme Court or Eleventh Circuit precedent.

8. 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.²

- a. What do you attribute this to?

Response: I am not an expert in racial disparity in the criminal justice system or the history of criminal justice reform. The underlying cause of those and other troubling disparities is subject to ongoing public debate. As a judicial nominee, it would be inappropriate for me to comment on this debate or otherwise speculate. I can, however, commit to applying the law faithfully and impartially regardless of someone's race. The oath of office for a district court judge requires nothing less.

9. 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.³

- a. What do you attribute this to?

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

10. 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: Every role in the criminal justice system requires an awareness of the potential for bias of any sort to interfere with the fair and impartial administration of justice. Judges, in particular, must endeavor to reduce the risk that bias could play in the performance of their duties in criminal cases.

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

Response: Yes, because the legal profession includes demographic and professional diversity to provide legal services to a demographically and professionally diverse population. I have had the privilege of representing clients from all walks of life, including volunteering my time to counsel indigent parties. Our judges should want to serve the public by administering justice fairly and impartially to all persons, regardless of their backgrounds. My desire to continue to serve is what led me to this nomination process.

² Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

³ U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

12. 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

Response: No.

b. Affirmative action

Response: No.

c. Contraceptives or birth control

Response: No.

d. Gender-affirming care

Response: No.

e. Firearms

Response: No.

f. Immigration

Response: No.

g. Same-sex marriage

Response: No.

h. Miscegenation

Response: No.

i. Participation of transgender people in sports

Response: No.

j. Service of transgender people in the U.S. military

Response: No.

k. Racial discrimination

Response: No.

l. Sex discrimination

Response: No.

m. Religious discrimination

Response: No.

n. Disability discrimination

Response: No.

o. Climate change or environmental disasters

Response: No.

p. "DEI" or Diversity Equity and Inclusion

Response: No.

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

Response: I have not litigated this issue in my career, nor have I carefully studied or written on the subject. It is my general understanding that, under extremely limited circumstances, a litigant could lawfully disregard an order from a lower federal court if, for instance, the court lacked subject matter jurisdiction. The most appropriate method, however, of challenging such an order is to comply pending appellate review. Otherwise, if the party fails to comply with the order, court-imposed sanctions and contempt proceedings may be triggered.

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: The federal rules of civil and criminal procedure govern contempt proceedings, in addition to binding precedent from the U.S. Supreme Court and Eleventh Circuit. As a judicial nominee, it would be inappropriate for me in the abstract to formulate potential judicial remedies in a hypothetical case or controversy.

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

Response: Please see my preceding answers to Question 13.

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

Response: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

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

Response: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

16. 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: As a judicial nominee, it would be inappropriate for me to comment on either pending or impending cases in the federal court system.

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

Response: Yes, according to binding U.S. Supreme Court precedent. I would faithfully apply all applicable U.S. Supreme Court and Eleventh Circuit precedent when determining the specific types of conflicting federal and state laws that trigger federal preemption.

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

Response: Due process applies to all “‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I would apply all binding precedent of the U.S. Supreme Court and the Eleventh Circuit regarding what due process is required in specific contexts.

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

Response: The Supreme Court recently reaffirmed that while “[l]egislative power ... belongs to the legislative branch, and to no other, ... Congress may seek assistance from its coordinate branches to secure the effect intended by its acts of legislation. And in particular, Congress may vest discretion in executive agencies to implement and apply the laws it has enacted—for example, by deciding on the details of their execution.” *FCC v. Consumers’*

Rsch., 145 S. Ct. 2482, 2496-97 (2025) (cleaned up). For a delegation to be permissible, Congress must “set out an ‘intelligible principle’ to guide what it has given the agency to do.” *Id.* at 2497. I would faithfully apply all binding U.S. Supreme Court and Eleventh Circuit Precedent concerning the limits of such delegation authority.

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

Response: During her confirmation process, Justice Kagan wisely pointed out that it would be inappropriate to weigh in with a “thumbs-up or thumbs-down” on prior decisions or to “grade the homework” of the U.S. Supreme Court. Other judicial nominees have adopted Justice Kagan’s guidance. *Brown v. Board of Education*, however, has historically been an exception to this guiding principle. Therefore, I am comfortable sharing my belief that this case was correctly decided. As a district court judge, I would faithfully follow all binding precedent of the U.S. Supreme Court.

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

Response: Yes, *Griswold* is binding precedent of the U.S. Supreme Court. The Court held that the Fourteenth Amendment protects the use of contraceptives. I would faithfully apply *Griswold* and all other binding precedent if confirmed as a district court judge.

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

Response: Yes, *Lawrence* is binding precedent of the U.S. Supreme Court. The Court held that laws that criminalize sexual intimacy between members of the same sex violate the Fourteenth Amendment. I would faithfully apply *Lawrence* and all other binding precedent if confirmed as a district court judge.

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

Response: Yes, *Obergefell* is binding precedent of the U.S. Supreme Court. The Court held that the Fourteenth Amendment requires a state to license marriages between two people of the same sex on the same terms and conditions as marriages between two people of the opposite sex. I would faithfully apply *Obergefell* and all other binding precedent if confirmed as a district court judge.

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

Response: Our system of government determines who won an election to the Office of President of the United States by who is certified as the winner based on the electoral college vote. This process resulted in Joe Biden serving as the 46th President of the United States.

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

Response: Please see my prior response to Question 24 above.

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

Response: Please see my prior responses to Question 24 above. As a judicial nominee, it would be inappropriate for me to comment on the broader political or policy debate concerning the conduct of the 2020 presidential election or the statements by political figures.

25. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”⁴

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

Response: Yes.

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

Response: Our system of government determines who won an election to the Office of President of the United States by who is certified as the winner based on the electoral college vote. This process resulted in Donald Trump serving as the 45th President of the United States.

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

Response: Yes.

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

Response: Our system of government determines who won an election to the Office of President of the United States by who is certified as the winner based on the electoral college vote. This process resulted in Donald Trump serving as the 47th President of the United States.

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

Response: As written, the 22nd Amendment of the U.S. Constitution currently limits any president to two terms in office.

⁴ U.S. CONST. amend. XXII.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: Not to my knowledge.

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

a. Enrique Tarrío

Response: No.

b. Stewart Rhodes

Response: No.

c. Kelly Meggs

Response: No.

d. Kenneth Harrelson

Response: No.

e. Thomas Caldwell

Response: No.

f. Jessica Watkins

Response: No.

g. Roberto Minuta

Response: No.

h. Edward Vallejo

Response: No.

i. David Moerschel

Response: No.

j. Joseph Hackett

Response: No.

k. Ethan Nordean

Response: No.

l. Joseph Biggs

Response: No.

m. Zachary Rehl

Response: No.

n. Dominic Pezzola

Response: No.

o. Jeremy Bertino

Response: No.

p. Julian Khater

Response: No.

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

Response: No.

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

Response: No.

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

Response: Not applicable.

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

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

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

Response: I commit to following all applicable ethics rules and codes of conduct.

40. Article III Project (A3P) “defends constitutionalist judges and the rule of law.” According to Mike Davis, Founder & President of A3P, “I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.”⁵

- a. Do you agree with the above statement?

Response: I am unfamiliar with the Article III Project. I am also unfamiliar with Mike Davis. Therefore, I cannot speak to the beliefs or opinions of either.

- 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: Not to my knowledge.

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

Response: Not to my knowledge.

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

Response: Not to my knowledge.

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

Response: No.

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

Response: Not applicable.

⁵ <https://www.article3project.org/about>

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

Response: No.

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

Response: Not to my knowledge.

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

Response: Not to my knowledge.

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

Response: To the best of my recollection, on June 26, 2025, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy. I later communicated with the White House Counsel's Office and the Office of Legal Policy on July 24, 2025, regarding those documents and forms necessary to complete the nomination process. Since July 24, 2025, I have been in contact with the Office of Legal Policy and the White House Counsel's Office.

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

Response: To the best of my recollection, I received these written questions on September 11, 2025. I printed the questions out and made handwritten notes. Then on September 12 and 13, I typed my answers into the electronic version of the questions. I reviewed and revised my answers on September 14, then submitted the final version on September 15.