

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Matthew Orso
Nominee to be U.S. District Judge for the Western District of North Carolina
September 24, 2025

1. In your Questionnaire, you mentioned appearing in court periodically, around six to ten times per year, and that opportunities to try cases in court were “few and far between.” You also stated that you had taken an active part in many trials.

How many cases have you tried to verdict or final decision as sole or lead counsel?

Response: My past appearances have involved many motions hearings on summary judgment, motions to dismiss, sentencing hearings, post-conviction hearings akin to bench trials, multi-day arbitrations, and taking an active role representing material witnesses in multiple criminal trials from start to finish. There were no cases that I personally tried to verdict as a sole or lead counsel; however, I received invaluable training handling trials from a judge’s perspective during the multiple trials I worked on in my two years as a federal district court judicial clerk.

2. In July 2013, you wrote an opinion piece for the *Catholic News Herald*, where you expressed support for the Tenth Circuit’s ruling in *Burwell v. Hobby Lobby Stores*, which allowed privately held for-profit corporations to be exempt from the Affordable Care Act’s contraception mandate for employer-provided health insurance plans. You encouraged readers to reach out to their representatives to “speak out for conscience rights,” as you were disappointed that at the time, the ruling did not apply nationwide.

Do you believe the Supreme Court was correct when it held that the Religious Freedom Restoration Act applies to corporations, not just individuals?

Response: My understanding is that the Supreme Court ruled in the *Hobby Lobby* case that the Religious Freedom Restoration Act applies to closely held corporations. As a judge, my beliefs will not be relevant. I will be obligated to rule in line with whatever the Supreme Court or the Fourth Circuit has ruled in applicable cases.

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

Response: President Biden was certified the winner of the 2020 election. President Trump was certified the winner of the 2016 and 2024 elections.

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

Response: On January 6, 2021, I was in Charlotte, North Carolina.

5. Do you denounce the January 6 insurrection?

Response: I denounce any and all acts of violence against law enforcement and government officials. How the events at the Capitol on January 6, 2021, are characterized is a matter of political debate and was the subject of litigation in *Trump v. Anderson*, 601 U.S. 100 (2024). Moreover, the effect of pardons issued to those prosecuted for actions taken related to the events at the Capitol on January 6, 2021, is subject to ongoing litigation that could arise in cases that could come before me if I am confirmed to serve as a district court judge. Thus, under the Code of Conduct for United States Judges, it would be inappropriate for me to address these issues.

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

Response: 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.

7. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. 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: Generally, if there is a lower-court order that binds the Executive Branch or an executive official or agency, the normal course is for the party to follow the order and seek appellate review if the party disagrees with the outcome.

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

Response: All proper parties to federal court proceedings including federal executive officials have a responsibility to comply with lawful court orders. The standard process for challenging an order that one concludes is unlawful is to appeal that order. If there is a lower court order that binds a party, the normal course is for the bound party to follow the order and seek appellate review if the party disagrees with the outcome; if the Supreme Court issues an order upon the

conclusion of appellate review, that order is to be followed. I am aware of scholarly work suggesting scenarios where parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See generally, e.g.,* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error “so clear that it is not open to rational question”); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court’s binding “judgment[]” and its “statements in opinions.” *Camreta v. Greene*, 563 U.S. 692, 704 (2011); *see* Abraham Lincoln, First Inaugural Address (Mar. 4, 1861) (discussing *Dred Scott v. Sanford*). And the Supreme Court has observed that certain interlocutory orders might be immediately appealable only via the avenue of a contempt finding. *See, e.g., Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.”).

Because a case involving these issues could come before me if I were confirmed, it would be inappropriate to provide an answer that pre-determines the validity of potential legal arguments for or against adhering to court orders. If any such issues came before me, I would commit to resolving them through the judicial process through careful consideration and application of the parties’ arguments and the governing law and precedents.

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

Response: If the Supreme Court issues an order after appellate review, that order is to be followed. If the order relates to the interpretation of a statute and a party disagrees, the party also can seek legislative amendment of the statute. Similarly, if a party or Congress or a state legislature believes a Supreme Court order has incorrectly applied the Constitution, such parties could seek a constitutional amendment. Congress also has legislative power to shape Supreme Court jurisdiction and authority related to the issuance of orders.

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

a. Are non-party injunctions constitutional?

Response: The lawfulness of universal injunctions was addressed by the Supreme Court in *Trump v. CASA*, 145 S. Ct. 2540 (2025), which held that “[a] universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power.” *Id.* at 2550. As described in *Trump v.*

CASA, the equitable power of courts generally extends only to granting complete relief to the parties before the court.

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

Response: Please see the response to question 8(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 the response to question 8(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: No.

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

Response: No.

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

The 22nd Amendment to the U.S. Constitution provides that presidents may serve up to two terms.

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

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

Response: It is important for all federal judges to abide by all constitutional, statutory, and equitable limits on their authority to exercise the “judicial Power” under Article III of the U.S. Constitution, and I would seek to abide by those limits if confirmed. Consistent with the Code of Conduct for federal judges and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment further on the statements of any political figure or

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

on any subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

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

Response: Safety and security for judges and their families is a matter of great import. However, consistent with the Code of Conduct for U.S. Judges and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment on the statements of any political figure or on any subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

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

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

Response: It is important for all federal judges to abide by all constitutional, statutory, and equitable limits on their authority to exercise the “judicial Power” under Article III of the U.S. Constitution, and I would seek to abide by those limits if confirmed. Consistent with the Code of Conduct for federal judges and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment further on the statements of any political figure or on any subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

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

Response: Consistent with the Code of Conduct for federal judges and positions taken by prior nominees, it would be inappropriate for me, as a pending judicial nominee, to comment further on the statements of any political figure or on any subject of political controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

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: Please see my response to Question 12(b).

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

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

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

Response: Lower courts must follow directly controlling Supreme Court precedent. *See Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989).

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

As a federal district judge nominee who would be subject to the Fourth Circuit's precedent, I leave to the appellate court when it would be appropriate for that court to overturn its own precedent.

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

Response: As a federal district judge nominee who would be subject to the Supreme Court's precedent, I leave to the Supreme Court when it would be appropriate for that court to overturn its own precedent. In determining whether to overrule precedent, the Supreme Court applies stare decisis factors such as those set forth in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 268-90 (2022), and *Janus v. AFSCME, Council 31*, 585 U.S. 878, 916-29 (2018).

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

a. *Brown v. Board of Education*

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. *Brown v. Board of Education*, 347 U.S. 483 (1954), is a landmark ruling that recognizes racial equality and rejects the unjust and unconstitutional separate-but-equal rule of *Plessy v. Ferguson*. Consistent with prior judicial nominees, I consider *Brown* one of the limited exceptions to the general principle that a judicial nominee should not give the Supreme Court's precedents a thumbs-up or thumbs-down. I agree with prior nominees that the underlying premise of the *Brown* decision—i.e., that “separate but equal is inherently unequal”—is beyond dispute, and that judges can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. As I stated at the confirmation hearing, if I am confirmed as a United States District Judge, I will follow all United States Supreme Court precedent.

b. *Plyler v. Doe*

Response: *Plyler* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

c. *Loving v. Virginia*

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court invalidated a state law prohibiting interracial couples from marrying. Like prior nominees, I consider *Loving*, like *Brown*, to be one of the limited exceptions to the general principle that a judicial nominee should not give a thumbs-up or thumbs-down opinion as to the Supreme Court's precedents. In my view, *Loving* correctly reaffirmed *Brown's* rejection of the "notion that the mere 'equal application' of a statute containing racial classifications" comports with the Fourteenth Amendment, *Loving*, 388 U.S. at 8. As I stated at the confirmation hearing, if I am confirmed as a United States District Judge, I will follow all United States Supreme Court precedent.

d. *Griswold v. Connecticut*

Response: *Griswold* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

e. *Trump v. United States*

Response: *Trump v. United States* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

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

Response: *Dobbs* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

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

Response: *Bruen* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

h. *Obergefell v. Hodges*

Response: *Obergefell* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

i. *Bostock v. Clayton County*

Response: *Bostock* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

j. *Masterpiece Cakeshop v. Colorado*

Response: *Masterpiece Cakeshop* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

k. *303 Creative LLC v. Elenis*

Response: *303 Creative* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

l. *United States v. Rahimi*

Response: *Rahimi* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

m. *Loper Bright Enterprises v. Raimondo*

Response: *Loper Bright* is binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it.

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

Response: Consistent with the past practice of the Supreme Court in cases like *District of Columbia v. Heller*, 554 U.S. 570 (2008), I believe that lower court judges should faithfully apply all binding precedent of the Supreme Court and then apply an originalist methodology to address any unanswered and open questions of constitutional interpretation. But those questions are likely to be infrequent at the district court level.

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

Response: Please see my answer to Question 17.

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

Response: The Supreme Court in *Obergefell* concluded that the Constitution provides a constitutional right to same-sex marriage, and I would faithfully apply that precedent.

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

Response: The Supreme Court in *Loving* concluded that the Constitution provides a constitutional right to marry persons of a different race, and I would faithfully apply that precedent.

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

Response: Based on my understanding of these principles as established by the Supreme Court, the Equal Protection Clause (1) requires that all persons similarly situated be treated alike, *see City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985), and (2) prevents discrimination based on suspect and quasi-suspect classifications, *see, e.g., Students for Fair Admission, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023); *United States v. Virginia*, 518 U.S. 515 (1996); *Nyquist v. Mauclet*, 432 U.S. 1 (1977). Under Supreme Court precedent, the Fourteenth Amendment Due Process Clause establishes both procedural protections, *see, e.g., Mathews v. Eldridge*, 424 U.S. 319 (1976), and substantive rights, *see, e.g., Meyer v. Nebraska*, 262 U.S. 390 (1923). Justice Thomas in concurring opinions has indicated that history suggests substantive rights might be more properly situated under the Privileges and Immunities Clause of the Fourteenth Amendment, although that conclusion does not reflect contemporary controlling Supreme Court precedent.

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

Response: The Supreme Court has held that these constitutional provisions prevent discrimination based on sex, *see, e.g., United States v. Virginia*, 518 U.S. 515 (1996), and sexual orientation, *see, e.g., Romer v. Evans*, 517 U.S. 620 (1996). As a lower court judge, I would be bound to apply all Supreme Court precedents, including these decisions. Because matters related to this question are the subject of ongoing litigation, it would be improper for me as judicial nominee to further comment.

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

Response: Please see my answer to Question 17.

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

Response: Please see my answer to Question 17.

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

Response: Generally speaking, the U.S. Supreme Court has held that the First Amendment protects speech regardless of whether the government considers the speech to be right or wrong, *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 537 (1995), and even if it is outrageous, *Snyder v. Phelps*, 562 U.S. 442 (2011); *United States v. Stevens*, 559 U.S. 460 (2010). The Supreme Court has also held that First Amendment protections may apply to individuals, *McIntyre v. Ohio Elecs. Comm’n*, 514 U.S. 334 (1995), as well as corporations, *see, e.g., Citizens United v. Fed. Elec. Comm’n*, 558 U.S. 310 (2010); *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974). As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit precedents.

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

Response: The Supreme Court has addressed this issue in cases such as *City of Austin, Texas v. Reagan Nat’l Advertising of Austin, LLC*, 596 U.S. 61 (2022), and *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). Among other things, those cases instruct that a “regulation of speech is facially content based under the First Amendment if it target[s] speech based on its communicative content—that is, if it applies to particular speech because of the topic discussed or the idea or message expressed.” *City of Austin*, 596 U.S. at 69 (quoting *Reed*, 576 U.S. at 163). By contrast, a law is content-neutral if it can be “justified without reference to the content of the regulated speech.” *Reed*, 576 U.S. at 166 (quotation omitted). As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit precedents.

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

Response: The Supreme Court has addressed this issue in cases such as *Counterman v. Colorado*, 600 U.S. 66, 74 (2023), and *Virginia v. Black*, 538 U.S. 343 (2003). Among other things, these cases instruct that “[t]rue threats’ of violence is [a] historically unprotected category of communications.” *Counterman*, 600 U.S. at 74. These cases establish that “true threats are serious expressions conveying that a speaker means to commit an act of unlawful violence.” *Id.*; *see Black*, 538 U.S. at 359. As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit precedents.

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

Response: The Fifth and Fourteenth Amendments to the U.S. Constitution provide, respectively, that no person shall “be deprived of life, liberty or property, without due process of law” and that no State shall “deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amends. V, XIV. The Supreme Court has stated that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *see Dep’t of Homeland Sec. v.*

Thuraissigiam, 591 U.S. 103, 107 (2020); *Agency for Int’l Dev. v. All. For Open Soc’y Int’l, Inc.*, 591 U.S. 430 (2020). The Supreme Court has an extensive body of precedents discussing what due process requires in various contexts. As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit precedents in addressing due process claims.

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

Response: Please see my answer to Question 28.

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

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

Response: The Citizenship Clause of the 14th Amendment to the United States Constitution provides that “[a]ll 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.” As a district court judge, I would be bound to apply all Supreme Court and Fourth Circuit precedents in addressing any citizenship claims. Because this question asks about matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to further comment. See Code of Conduct of U.S. Judges, Canon 3A(6).

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

Response: Please see my answer to Question 30(a).

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

Response: Yes, nobody should ever be excluded from the opportunity to serve as a judge based on race, ethnicity, sex, religion, or any other protected characteristic. My experience in law and life has been that no one group has a monopoly on excellence. In focusing on excellence throughout my career, I have found myself working and in friendship with many people of varying backgrounds, life experiences, and viewpoints. This has made me a better lawyer and analytical thinker. If I am fortunate enough to be confirmed, I would look forward to learning from and building relationships with my colleagues on the Western District of North Carolina and other courts.

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

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

Response: As with any other constitutional or statutory provision, I would be obligated as a judge to faithfully and impartially apply the First Step Act, and governing precedents interpreting it.

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 commit to faithfully and impartially applying all applicable laws and precedents that govern the sentencing of criminal defendants. This includes, under 18 U.S.C. § 3553(a), issuing sentences that “avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.”

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

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

Response: As a pending judicial nominee, it would be inappropriate for me to express cultural or policy views. If I am confirmed, I will seek to apply the law fairly and impartially without respect to any individual policy views.

b. President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that

Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.⁴

Response: This question calls for a response that could be seen as opining on political matters or the statements made by individuals in the political branch, and thus I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: Please see my response to Question 33(b).

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

Response: Please see my response to Question 33(b).

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

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

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

Response: As a member of the Federalist Society, I have many friends and colleagues who are associated with the Federalist Society. I speak and socialize with them on a regular basis and would have maintained correspondence with these individuals during my selection process. During my selection process, I was not in correspondence with Mr. Leo or Mr. Calabresi, or any other “officials” of the Federalist Society to the best of my knowledge.

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

Response: No.

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

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

Response: No.

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

- a. **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.

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

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

Response: 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.

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

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

Response: 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.

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

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

Response: 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.

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

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

Response: 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.

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

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

Response: 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.

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

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

Response: 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 am unaware of any outside groups or special interests making donations in support of my confirmation. I have no concerns about any public advocacy for or against my confirmation, because if confirmed, such advocacy will be irrelevant to my decision-making as a fair and impartial judge.

- 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: Both the appearance of impartiality and actual impartiality are important in maintaining public confidence in our system of justice. If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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

Response: Please see my answers to questions 40(a) through (e).

**Nomination of Matthew Orso to the
United States District Court for the Western District of North Carolina
Questions for the Record
Submitted September 24, 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: I hold a judicial philosophy that judges are to apply the law as written to the facts of the cases and controversies before them. Words matter, and the political branches take great care to choose the words that become law through bicameralism and presentment or the constitutional ratification process. A judge should faithfully and impartially apply the original public meaning of those words at the time of their passage. Moreover, a judge should recognize the inherent dignity of all participants in the judicial process, treating parties, attorneys, victims, witnesses, and all with courtesy and respect.

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

Response: If confirmed, I would follow controlling Supreme Court precedent when analyzing whether a right is fundamental and protected 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. The Supreme Court has instructed consideration of the nation's history and tradition in multiple cases, including *Glucksberg*. If such a question were to come before me in a case, I would consult historical case law as well as a variety of other historical resources that other cases applying that framework have consulted.

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

Response: Yes, a court's recognition of a right in a previous case is relevant to the assessment of whether the right is deeply rooted in the nation's history and tradition.

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

Response: Yes.

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

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

- 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: To the extent "higher court" means a court with appellate authority over the district court, rather than an appellate court in a different circuit, the answer is I am not aware of a circumstance where ignoring a higher court's order would be appropriate.

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: Courts often consider changing facts in assessing a case. While the words of a statute or constitutional provision do not change, societal facts may change, which can impact the application of that law to those different facts. For example, the Supreme Court in *Riley v. California*, 573 U.S. 373 (2014), analyzed technological advances in the storage capacity of smart phones when deciding a case involving the search incident to arrest exception to the Fourth Amendment's warrant requirement.

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

Response: The role of these topics depends on the facts and legal claims across the spectrum of federal cases. The measure of any of these items' role is whether they are relevant and admissible (and in the expert witness context, reliable). The admissibility of scientific, technical, or other specialized knowledge as evidence is governed by Federal Rule of Evidence 702 and the Supreme Court precedent.

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

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

Response: Yes, I will follow all directives of Congress, which include the need to consider supervised release and the recommendations of the Sentencing Commission.

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

Response: In enacting that section into law, Congress determined that

early termination of supervised release is appropriate in some circumstances. If confirmed, I will faithfully apply that law.

- 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.

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

Response: I am unfamiliar with any case that has squarely held that the President has violated the Take Care Clause. When that allegation was made against President Obama, the Department of Justice took the position that claims under that clause are not justiciable. The Supreme Court never ruled on that question because the case in which it was raised was affirmed by an evenly divided 4-4 vote without opinion. In addition, the Supreme Court has ruled that “[t]he President’s unique status under the Constitution distinguishes him from other executive officials.” *Nixon v. Fitzgerald*, 457 U. S. 731, 750 (1982). I am unaware of any court that has ruled on what the remedy would be in the hypothetical posed by the question, though I would review carefully any briefing and follow any precedent ultimately established by the Supreme Court and Fourth Circuit if the question were ever presented to me as a judge.

- 8. Is President Trump eligible to be elected President for a third term in 2028?**

Response: Section 1 of the 22nd Amendment states that “No person shall be elected to the office of the President more than twice” To the extent this question seeks for me to prejudge a question that could come before me as a sitting judge, the judicial canons prevent me from providing such an opinion.

- 9. Who won the 2016 U.S. Presidential Election?**

Response: Donald J. Trump was certified as the winner of the 2016 election and served as the 45th President of the United States.

- 10. Who won the 2020 U.S. Presidential Election?**

Response: Joseph Biden was certified as the winner of the 2020 election and served as the 46th President of the United States.

- 11. Who won the 2024 U.S. Presidential Election?**

Response: Donald J. Trump was certified as the winner of the 2024 election and serves as the 47th President of the United States.

12. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

Response: Without more information, this generalized hypothetical does not provide enough information for a meaningful response. Factors that may impact the analysis include whether a statement involves language unprotected by the First Amendment, such as true threats or incitement. To the extent this question asks me to opine on a current political or legal dispute, the judicial canons prevent it.

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: As I am not a politician and was rarely using social media at the time, I have never expressed a public position on the events of January 6. The Supreme Court in *Trump v. Anderson* heard arguments about whether an insurrection occurred that day and ultimately concluded that States could not forcibly remove President Trump from the ballot. To the extent the question asks for personal political views, the judicial code of conduct prohibits any judicial nominee from providing political or policy views.

14. 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: This question asks for an opinion regarding current political or legal disputes. Pursuant to the judicial canons, it is improper for a judicial nominee to forecast how he or she would rule in a case.

15. 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: See response to Question 14.

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

Response: The Supreme Court in *Griswold v. Connecticut* held that the Constitution protects the conduct described above. As a lower court judge, I would be bound to follow all Supreme Court and Fourth Circuit precedent.

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

Response: The Supreme Court has stated that “[t]he ‘right to travel’ discussed in our

cases embraces at least three different components. It protects the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State.” *Saenz v. Roe*, 526 U.S. 489, 500 (1999). To the extent the question asks about current political disputes, it would be improper for a judicial nominee to promise or forecast how he or she would rule in a future case.

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

Response: This question asks for an opinion regarding current political or legal disputes. Pursuant to the judicial canons, it is improper for a judicial nominee to forecast how he or she would rule in a case.

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

Response: While the Constitution’s text does not mention a “right to privacy,” in *Griswold* and other cases, the Supreme Court interpreted such a right to be within the Constitution. If confirmed, I will follow all controlling precedent.

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

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

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

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

19. 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: Neither the Supreme Court nor the Fourth Circuit has addressed this question. The only appellate case I am aware of that addresses the question is *Morrissey v. United States*, 871 F.3d 1260 (11th Cir. 2017), which decided the question in the negative. Because that decision is outside the Fourth Circuit, it would not bind me. To the extent the question asks about current political disputes, it would be improper for a judicial

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

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

Response: Judges are to adjudicate all claims fairly, regardless of the identity of the party. *See* 28 U.S.C. § 453. Regarding due process, the Fifth and Fourteenth Amendments to the U.S. Constitution provide that no person shall be deprived “of life, liberty, or property, without due process of law.” The Supreme Court has stated that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The Supreme Court further has an extensive body of precedents discussing what due process requires in various contexts. If confirmed, I would faithfully apply the relevant precedents of the Supreme Court and the Fourth Circuit in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to comment further.

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

Response: Generally, no. As a district court nominee, I would look to applicable Supreme Court and Fourth Circuit precedent to determine the general manner in which to approach a specific legal issue.

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

I would look to the text of the Constitution and controlling precedent. In the absence of controlling precedent, I would look to persuasive precedent and historical sources evidencing the original public meaning of the constitutional provision.

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

Response: Judges’ proper role in our constitutional system is to evaluate legal claims and to determine the merits of those claims based on arguments presented by the parties, in light of applicable law, including the binding precedents of the Supreme Court and the text of the statute, regulation, or constitutional provision involved. They should not decide cases based on their personal views regarding morality or policy preferences. Judges are not policymakers; they have limited judicial authority. Fulfilling that role faithfully and impartially is essential to maintaining public confidence in the rule of law.

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

Response: In certain contexts, such as in assessing the propriety and scope of injunctive relief, a court's application of the relevant legal standards requires consideration of the practical consequences of a particular order on the parties and the public. Outside of those contexts, a court must apply the relevant law faithfully and impartially without regard to consequences, even if he or she thinks that the practical consequences of following the law are undesirable as a policy matter.

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

Response: Article III judges decide the cases and controversies before them, applying the relevant law to the facts of a given case. Empathy should have no role in applying law to facts. However, empathy can inform how an opinion is written to make it readily accessible and clearly understood. In addition, empathy is important in a judge's treatment of the people appearing before him or her in court, remaining cognizant that litigation has real-world impacts on the lives of real people.

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

Response: A judge's life experiences will hopefully have prepared the judge to undertake the duties of the office with understanding, courteousness, courage, diligence, integrity, and impartiality.

27. In your 2013 *Catholic News Herald* article criticizing a Department of Health and Human Services mandate that employers provide contraception to employees as part of their employer-sponsored health insurance plans, you wrote that this issue—and similar conscience protections—are of “paramount importance” for “business owners who believe their faith informs and permeates everything they do.” You noted, however, that “[f]ortunately, one federal court recently forced the mandate to give ground.” While this decision from the Tenth Circuit was “welcome news,” because it only applied to states within the Tenth Circuit, “the struggle [was] far from over.” You advocated for “people of good conscience” to continue the struggle by “us[ing] whatever means we have to speak out for conscience rights” and “teach[ing] truth to our children, instilling in them the reality that our Catholic faith cannot be compromised, and never letting them fall victim to the lie of relativism.”

a. What role, if any, do you believe a judge's faith should play in their judicial decision-making?

Response: If confirmed, my faith would undergird the judicial oath I would take to “swear . . . that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and . . . faithfully and impartially discharge and perform all the duties incumbent upon me . . . under the Constitution and laws

of the United States. So help me God.” A judge’s faith should serve as a reminder of this oath and that it may not be broken.

As for judicial analysis, a judge’s faith, opinions, beliefs, or preferences have no role in the adjudicative process.

- b. In the same article, you also quote the Catechism of the Catholic Church that “Nobody may be forced to act against his conviction, nor is anyone to be restrained from acting in accordance with his conscience in religious matters in private or in public, alone or in association with others, within due limits.” If you are confirmed, what will you do if the laws and facts of a case run contrary to your religious conviction?**

Response: A judge’s duty is to faithfully and impartially apply the law to the facts of a case, following controlling precedent. That is what I will do if confirmed, for all cases, without regard to outcome. To supplant the law with one’s own religious or political beliefs is the height of judicial activism, erodes public confidence in the judiciary, and is antithetical to the rule of law and the role of an Article III judge.

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

Response: There are procedural mechanisms by which judges may stay or defer a party’s obligation to comply with a judicial order. *See, e.g.,* Fed. R. Civ. P. 62. As a judicial nominee, it would not be appropriate for me to opine on those or other abstract legal issues that might apply in a hypothetical case.

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

Response: Please see my answer to Question 28, preface.

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

Response: Please see my answer to Question 28, preface.

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

Response: The Honorable Robert J. Conrad, Jr., currently serving as the Director of the Administrative Office of United States Courts, has been my role model and mentor for years.

30. Discuss your proposed hiring process for law clerks.

Response: Out of respect for the Senate's pending consideration of my nomination, I have not yet generated a proposed hiring process for law clerks. Generally, I would seek to evaluate clerks based upon their entire applications, recommendations, and supporting materials, and my assessment of who would be the best fit for the job, understand the proper role of a law clerk in our judicial system, and get along well with other law clerks and members of chambers.

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

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

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

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

Response: I would hold clerks and judicial assistants to the same standards as myself in treating all people with dignity and respect.

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

Response: I would follow all applicable reporting requirements for the Western District of North Carolina and the Fourth Circuit.

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

Response: I would follow all applicable reporting requirements for the Western District of North Carolina and the Fourth Circuit.

32. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a

standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: I recognize the value of giving junior lawyers more experience arguing in court. As a general premise, I do not believe it is the court's job to formally influence the choice of which lawyers appear before him or her. Ultimately, that is a party's decision. However, I would consider other measures short of a standing order to encourage more in-court experience for junior lawyers.

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

Response: I would generally encourage senior lawyers in the right circumstances to give junior lawyers the opportunity to argue cases or portions of cases. I would also consider asking more junior lawyers to assist the court where opportunities arise. For instance, judges occasionally seek pro bono counsel to represent plaintiffs in § 1983 trials.

33. In your Senate Judiciary Questionnaire, you explained that given the nature of your work at “large, private law firms in a white-collar defense practice, opportunities to try cases in the courtroom are few and far between.” How many cases have you tried to verdict?

Response: I am well-prepared to serve as a U.S. District Judge and to manage trials, having represented clients for the entire length of several trials. While I did not try cases to verdict, my in-court motions arguments, multi-day sentencing hearings, multi-day post-conviction relief hearings, extensive arbitration experience, and work as a judicial clerk on multiple trials have positioned me well for success as a district judge. Moreover, my significant time spent presenting and advocating to U.S. Attorneys, agents, and other federal regulators on cases of significant exposure for clients has further prepared me for the pressure of trials and the quick-thinking required of a trial judge.

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

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

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

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

**Questions for the Record for Matthew Orso
Submitted by Senator Richard Blumenthal
September 24, 2025**

1. You donated to President Trump’s election campaign on January 19, 2025—months after President Trump had already won the election, a day before the inauguration, and just 10 days before you report officially seeking consideration for this district court position.

Response: This statement is misleading without additional facts. I made a \$10.41 purchase of Trump merchandise on January 19, 2025, and it appears that money went to his election campaign fund.

- a. **Did you or anyone on your behalf take any steps to seek a judicial nomination prior to sending a letter to Senators Tillis and Budd on January 29, 2025? If so, please describe those actions.**

My understanding is that certain individuals contacted members of the staffs of Senator Tillis and Senator Budd regarding my potential nomination in late November or December of 2024.

- b. **Did you or anyone on your behalf contact then-President-elect Trump or members of his team on or before January 19, 2025? If so, what did you discuss?**

No.

2. On September 15, 2025, Attorney General Pam Bondi tried to distinguish between “free speech” and “hate speech,” claiming that the Department of Justice would prosecute the latter.

Attorney General Bondi received criticism for her assertion from across the political spectrum. While hate speech is odious, it is not exempt from First Amendment protections unless it is harassment, a true threat, or an incitement to violence.

- a. **Do you believe that there is a legal distinction between “free speech” and “hate speech”?**

The Supreme Court has held in multiple cases, including *Matal v. Tam*, 582 U.S. 218 (2017), that “Speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express “the thought that we hate.” (quoting *United States v. Schwimmer*, 279 U. S. 644, 655 (1929) (Holmes, J., dissenting)). While my belief is irrelevant to the legal question, as a general matter, my understanding is that hate speech is generally protected to the extent it does not cross the line into an unprotected category, such as incitement or “fighting words”.

- b. Can the Department of Justice prosecute hate speech absent threats, harassment, or incitement of violence?**

Please see above for the relevant law on this issue. The judicial canons prevent me from providing an opinion on this question that may be the subject of political discussion or may come before me in a case if confirmed.

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

Response: Yes.

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

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

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

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

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

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

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

Response: I will abide by all laws, rules and judicial ethical canons regarding *ex parte* communications. Please note that there are limited scenarios, such as in the context of an *ex parte* temporary restraining order, in which such communications can be appropriate.

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

Response: See my response to Question 4(a).

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

Response: See my response to Question 4(a).

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

Response: See my response to Question 4(a).

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

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

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

Response: Yes.

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

Response: Yes.

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

Response: Yes.

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

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as “inherent in all courts” and “essential to the preservation of order in judicial proceedings and to the enforcement of the judgments, 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: The question states that the Supreme Court has held this to be true. As a lower court judge, I will abide by and follow all binding Supreme Court precedent.

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

Response: This question asks for my opinion on recently proposed legislation. The judicial canons prevent me from providing an opinion on this question as it may be the subject of political discussion or may come before me in a case if confirmed.

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

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

Response: It is inherent in the role of a United States District Judge to issue orders. All Americans have the Constitutional right to criticize or question those orders.

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

Response: Yes.

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

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

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: Treatises and cases have identified circumstances where a party can raise a defense to compliance with a court, such as if the court lacked jurisdiction or if compliance was impossible. *See, e.g.*, 17 Corpus Juris Secundum Contempt §§ 56–65; *United States v. Rylander*, 460 U.S. 752, 757 (1983) (impossibility). In some circumstances, defying a court order is necessary to appeal it, as Justice Sotomayor’s majority opinion in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009), recognizes.

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

Response: See above.

d. What would make a court order unlawful?

Response: It depends on the definition of “unlawful,” but one well-established principle is that an order is *void ab initio* if the issuing court lacks jurisdiction.

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

Response: A party may obtain relief through stays, injunctions, and appeals if they believe lower court orders to be unlawful. The Supreme Court has recognized that in some cases involving privilege, a party may defy an order, incur sanctions, and then appeal. As the Court in *Mohawk Industries v. Carpenter* explained, “[a]nother long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.” 558 U.S. 100, 111 (2009). “Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.” *Id.*

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

Response: As the Supreme Court has said, sometimes the right process is to appeal and sometimes the right process is something else, including “defy[ing]” an order. *Id.*

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

Response: No.

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

Response: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Matthew Orso

1. Do you believe *Brown v. Board of Education* was correctly decided?

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. *Brown v. Board of Education*, 347 U.S. 483 (1954), is a landmark ruling that recognizes racial equality and rejects the unjust and unconstitutional separate-but-equal rule of *Plessy v. Ferguson*. Consistent with prior judicial nominees, I consider *Brown* one of the limited exceptions to the general principle that a judicial nominee should not give the Supreme Court’s precedents a thumbs-up or thumbs-down. I agree with prior nominees that the underlying premise of the *Brown* decision—i.e., that “separate but equal is inherently unequal”—is beyond dispute, and that judges can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. As I stated at the confirmation hearing, if I am confirmed as a United States District Judge, I will follow all United States Supreme Court precedent.

2. Do you believe *Loving v. Virginia* was correctly decided?

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court invalidated a state law prohibiting interracial couples from marrying. Like prior nominees, I consider *Loving*, like *Brown*, to be one of the limited exceptions to the general principle that a judicial nominee should not give a thumbs-up or thumbs-down opinion as to the Supreme Court’s precedents. In my view, *Loving* correctly reaffirmed *Brown*’s rejection of the “notion that the mere ‘equal application’ of a statute containing racial classifications” comports with the Fourteenth Amendment, *Loving*, 388 U.S. at 8. As I stated at the confirmation hearing, if I am confirmed as a United States District Judge, I will follow all United States Supreme Court precedent.

3. Do you believe *Griswold v. Connecticut* was correctly decided?

See above.

4. Do you believe *Eisenstadt v. Baird* was correctly decided?

See above.

5. Do you believe *Obergefell v. Hodges* was correctly decided?

See above.

6. If you answered with a “yes” or “no” to any of the above questions but did not similarly answer any of the other questions, please explain how you determined you could answer some questions and not others.
- a. If you have declined to answer any questions on the basis that the issue may come before you (or another court), please identify the case(s) currently pending in the federal courts that raise this issue. If you cannot identify any such cases, please explain your basis for declining to answer the question(s).**

See above.

Nomination of Matthew E. Orso
United States District Court for the Western District of North Carolina
Questions for the Record
Submitted September 23, 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: It would be inappropriate for me, as a judicial nominee, to opine on the statements of any political figure or on any subject of political controversy.

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

Response: I hold a judicial philosophy that judges are to apply the law as written to the facts of the cases and controversies before them. Words matter, and the political branches take great care to choose the words that b>? judge should faithfully and impartially apply the original public meaning of those words at the time of their passage. Moreover, a judge should recognize the inherent dignity of all participants in the judicial process, treating parties, attorneys, victims, witnesses, and all with courtesy and respect.

3. **What do you understand originalism to mean?**

Response: I understand originalism to mean a method of interpreting the Constitution by a judge applying his or her best understanding of the original public meaning of the relevant words or constitutional clause to the facts of a case. As a district judge, this would require following binding precedent regarding the interpretation of specific constitutional provisions.

4. **Do you consider yourself an originalist?**

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

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

5. What do you understand textualism to mean?

Response: I understand textualism to mean a method of interpreting law by looking to the ordinary meaning of the text at the time of the law's enactment, and where more clarity is needed, also considering the context, including the words and structure of other sections of the same act or statute, should that context shed light on the original meaning of the text.

6. Do you consider yourself a textualist?

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

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: Reliance on legislative history is unnecessary when a statute's language is unambiguous. *Mohamad v. Palestinian Authority*, 566 U.S. 449, 458 (2012). To the extent it is proper to rely on legislative history in some circumstances, it "is meant to clear up ambiguity, not create it." *Milner v. Dep't of Navy*, 562 U.S. 562, 574 (2011). If confirmed, I would faithfully apply relevant Supreme Court and Fourth Circuit precedent regarding the use of legislative history.

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

Response: Yes, and the words of a statute, subject to bicameralism and presentment, are the best evidence of congressional intent regarding that statute.

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: The sources of those and other troubling disparities, and the best means to address them, continue to be a topic of public debate. It would therefore be inappropriate for me, as a judicial nominee, to comment further, other than to express the belief that it would be incumbent on me as a judge to be aware of the possibility of any and all types of bias and to endeavor to minimize them as consistent with my judicial duties.

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: It is the obligation of all participants in the criminal justice system, especially judges, to be aware of the possibility of any and all types of bias and to endeavor to minimize them as consistent with their judicial duties. This includes, under 18 U.S.C. § 3553(a), issuing sentences that “avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.”

- 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, nobody should ever be excluded from the opportunity to serve as a judge based on race, ethnicity, sex, religion, or any other protected characteristic. My experience in law and life has been that no one group has a monopoly on excellence. In focusing on excellence throughout my career, I have found myself working and in friendship with many people of varying backgrounds, life experiences, and viewpoints. This has made me a better lawyer and analytical thinker. If I am fortunate enough to be confirmed, I would look

² Sonja B. Starr & M. Marit Rehani, *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.

forward to learning from and building relationships with my colleagues on the Western District of North Carolina and other courts.

- 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
- b. Affirmative action
- c. **Contraceptives or birth control**

Response: In 2013, I wrote an opinion piece in the Catholic News Herald, a newspaper of the Roman Catholic Diocese of Charlotte, North Carolina. That writing focused on the HHS contraceptive mandate and the related litigation involving Hobby Lobby in the 10th Circuit, arguing that the mandate violated religious freedom. The Supreme Court later ruled that the HHS mandate violated the Religious Freedom Restoration Act as to Hobby Lobby and other closely held corporations.

This writing was disclosed, and a copy was provided, with my Senate Judiciary Questionnaire.

- d. Gender-affirming care
- e. Firearms
- f. **Immigration**

Response: Over the years of my legal career in private practice, I co-authored numerous client-directed, firm-sponsored blog posts on topics of immigration law compliance for employers. These writings were disclosed, and a copy was provided, with my Senate Judiciary Questionnaire.

- g. Same-sex marriage
- h. Miscegenation
- i. Participation of transgender people in sports
- j. Service of transgender people in the U.S. military
- k. Racial discrimination
- l. Sex discrimination
- m. **Religious discrimination**

Response: See above response to 12(c)..

- n. Disability discrimination

- o. Climate change or environmental disasters
- p. “DEI” or Diversity Equity and Inclusion

A full accounting and available copies of all my past writings and speeches were provided with my Senate Judiciary Questionnaire.

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 had occasion to study these questions exhaustively; my general understanding of the relevant legal considerations is as follows. If there is a lower court order that binds the Executive Branch or an executive official or agency, the normal course is for the bound party to follow the order and seek appellate review if the party disagrees with the outcome; if the Supreme Court issues an order upon the conclusion of appellate review, that order is to be followed. I am aware of scholarly work suggesting scenarios where parties, including the Executive Branch or one of its officers, departments, or agencies, might permissibly disregard a court order. *See generally, e.g.,* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807 (2008) (lack of jurisdiction); Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996) (constitutional error “so clear that it is not open to rational question”); *see also* 17 Corpus Juris Secundum Contempt §§ 56-65 (discussing contempt defenses). I am also aware of the legal distinction that parties and jurists have drawn between a court’s binding “judgment[.]” and its “statements in opinions.” *Camreta v. Greene*, 563 U.S. 692, 704 (2011); *see* Abraham Lincoln, First Inaugural Address (Mar. 4, 1861) (discussing *Dred Scott v. Sanford*). And the Supreme Court has observed that certain interlocutory orders might be immediately appealable only via the avenue of a contempt finding. *See, e.g., Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.”).

Because a case involving these issues could come before me if I were confirmed, it would be inappropriate to provide an answer that pre-determines the validity of potential legal arguments for or against adhering to court orders. If any such issues came before me, I would commit to resolving them through the judicial process through careful consideration and application of the parties’ arguments and the governing law and precedents.

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

Response: It is my understanding that federal courts typically seek to ensure compliance with court orders through sanctions and civil and criminal contempt procedures, as well as by requiring that parties file status reports and make court appearances to explain compliance efforts and progress. The Supreme Court, for its part, has cautioned that “the contempt power” is something that “uniquely is ‘liable to abuse,’” *Int’l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831 (1994), and that “care is needed to avoid arbitrary or oppressive conclusions,” *Bloom*

v. Illinois, 391 U.S. 194, 202 (1968) (citation omitted). I would apply these instructions and any other governing law and precedents to assess whether any allegations of noncompliance were correct or whether any recognized defenses apply.

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

Response: See previous two responses.

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

Response: Article II of the United States Constitution grants the President the power to veto legislation passed by Congress. It also directs that the President “shall take Care that the Laws be faithfully executed.” U.S. Const., art. II, § 3, cl. 5. The Supreme Court has cited the Take Care Clause as a source of the President’s authority to engage in “enforcement of federal ... laws passed by Congress,” *Trump v. United States*, 603 U.S. 593, 627 (2024), including by “mak[ing] arrests and prosecut[ing] offenses on behalf of the United States,” *United States v. Texas*, 599 U.S. 670, 678-79 (2023). The Supreme Court has further instructed that, under the Take Care Clause and the Vesting Clause, see Art. II, § 1, cl. 1, the Executive Branch possesses certain authority and discretion to prioritize enforcement of federal law. See, e.g., *Texas*, 599 U.S. at 679; *Heckler v. Chaney*, 470 U.S. 821, 832 (1985). How these or any other legal principles apply to presidential action implicates issues that could arise before me as a judge; thus, as a judicial nominee, it would be inappropriate for me to provide further comment pursuant to the judicial canons.

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

Response: I am generally aware that the issue regarding the Executive Branch’s withholding of authorized funds was addressed by the Supreme Court’s decision in *Train v. City of New York*, 420 U.S. 35 (1975). I am also generally aware of the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.*, which provides various procedures for addressing budget and funding issues. As this question relates to an issue that is the subject of litigation in the courts, the judicial canons prevent me from expressing an opinion as to this question.

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: I am generally aware that the issue regarding the Executive Branch’s withholding of authorized funds was addressed by the Supreme Court’s decision in *Train v. City of New York*, 420 U.S. 35 (1975). As this question relates to an issue that is the subject of litigation in the courts, it would be inappropriate for me as a judicial nominee to comment further.

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

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

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

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

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

Response: The Supreme Court has a body of precedents addressing the constitutional limits on legislative delegation of rulemaking authority. *See Gundy v. United States*, 588 U.S. 128, 135-36 (2019) (op. of Kagan, J.) (collecting cases). As a nominee to a U.S. District Court, I will faithfully apply all applicable precedent of the Supreme Court and the Fourth Circuit on this topic.

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

Response: As dozens of nominees have said before, it is almost always improper for judicial nominees to give a thumbs-up or thumbs-down to Supreme Court precedent. Based on prior hearings, the only two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. *Brown v. Board of Education*, 347 U.S. 483 (1954), is a landmark ruling that recognizes racial equality and rejects the unjust and unconstitutional separate-but-equal rule of *Plessy v. Ferguson*. Consistent with prior judicial nominees, I consider *Brown* one of the limited exceptions to the general principle that a judicial nominee should not give the Supreme Court’s precedents a thumbs-up or thumbs-down. I agree with prior nominees that the underlying premise of the *Brown* decision—i.e., that “separate but equal is inherently unequal”—is beyond dispute, and that judges can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. As I stated at the confirmation hearing, if I am confirmed as a United States District Judge, I will follow all United States Supreme Court precedent.

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

Response: *Griswold* is binding precedent. It involved an appeal by individuals who were penalized for prescribing contraceptives, and the Court held that the statute violated a “right to privacy” that the Court interpreted to be within the Constitution.

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

Response: *Lawrence* is binding precedent. It involved an appeal by an individual penalized for engaging in certain sexual conduct, and the Court held that the statute penalizing engaging in that conduct violated the Constitution.

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

Response: *Obergefell* is binding precedent. It involved a challenge to state statutes defining marriage as a union between one man and one woman. The Court held that the Constitution requires States to license a marriage between two people of the same sex.

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

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

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

Response: Please see my response to Question 24.

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

Response: Please see my response to Question 24.

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

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

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

⁴ U.S. CONST. amend. XXII.

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

Response: Please see my answer to Question 25(a).

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

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

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

Response: Please see my answer to Question 25(c).

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

Response: The text of the 22nd Amendment would prohibit any person from being “elected to the office of the President” for a third time. 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: No.

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

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

Response: No as to all.

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

Response: No.

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

Response: 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: So affirmed.

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

Response: Yes.

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

- a. Do you agree with the above statement?**

Response: As a judicial nominee the canons prevent me from opining on political issues and statements.

- 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.**

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

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.

- 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: Please see responses to Question 40.

- 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: As a member of the Federalist Society, I have many friends and colleagues who are directly associated with the Federalist Society. I speak and socialize with them on a regular basis.

I am not aware of having spoken with any “officials” of the Federalist Society about my nomination, and to the best of my knowledge, neither did anyone else on my behalf.

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

Response: On July 10, 2025, I was contacted by a member of the White House Counsel's Office about a potential federal judgeship. On July 22, 2025, I interviewed with members of the White House Counsel's Office. On August 7, 2025, I was contacted by the White House Counsel's Office to inform me that I would begin the vetting and background check process and asked to complete additional paperwork. Since August 7, I have been in contact with attorneys from the Justice Department's Office of Legal Policy. In addition, in September 2025, I communicated with the Justice Department's Office of Legal Policy in the course of preparing for the hearing before the Judiciary Committee.

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

I prepared my responses to each of these questions. During that process, I reviewed past responses by other judicial nominees. After receiving feedback from individuals at the Department of Justice's Office of Legal Policy, I finalized my answers and authorized them to be submitted to this Committee. My answers are my own.