

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for William Jerrol Crain
Nominee to be U.S. District Judge for the Eastern District of Louisiana
October 29, 2025

1. In *State v. Kennon* (2020), you dissented from your fellow justices who overturned a 60-year sentence for distribution and possession of cocaine as impermissibly excessive. Your colleagues noted that the defendant had never been convicted of a violent crime. You argued that their holding “attempted to deflect from the violence long associated with drug culture.”

- a. **As a judge, how do you distinguish between violent crime and non-violent crime?**

Response: Crimes of violence are defined in both Louisiana law and federal law. See La. Code Cr. Proc. Art 890.3 and 18 U.S.C.A. § 16; see also *Sessions v. Dimaya*, 584 U.S. 148, 175; 138 S.Ct. 1204, 1223; 200 L.Ed.2d 549 (2018) (finding residual clause in 28 U.S.C.A. §16B unconstitutionally vague). In *Kennon*, I did not find a crime of violence. *Kennon* was a fourth felony-offender with at least one distribution conviction. His drug offenses touched three decades. As a fourth felony-offender, he faced a potential life sentence. However, by plea, he consented to a second-offense habitual offender status and agreed to a sixty year sentence. I cited to Justice Kennedy’s observations concerning the relationship between drugs and crime. See *Harmelin v. Michigan*, 501 U.S. 957, 1002-03; 111 S.Ct. 2680, 2706; 115 L.Ed.2d 836 (1991) (Kennedy, J., concurring). If confirmed, I will apply the statutory definitions for “crimes of violence” and follow all precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

- b. **Is it your position that all drug offenses are inherently violent? If so, on what legal authority did you rely to draw that conclusion?**

Response: No. All drug offenses are not inherently violent.

2. During your 2019 campaign for the Louisiana Supreme Court, you repeatedly referred to yourself as “pro-life.” During that same campaign, you expressed ardent support for the death penalty and argued that it should be implemented in “an efficient manner.”

- a. **Please explain what you meant when you emphasized the need for efficiency in death penalty cases.**

Response: I have observed death penalty cases delayed for 20 plus years in the appeal process. At that point, the deterrent effect of the penalty may be decreased, the victims’ families feel justice is often denied due to the delays, and the community conscience loses context for the sentence. I believe that executing

sentences should not be delayed to that extent. Of course, the paramount interest is that the sentence be correct. If it takes 20 years to validate a death sentence, reform may be appropriate to sooner assure the accuracy of the conviction and sentence in death penalty cases. Nevertheless, I will not allow my personal views to interfere with my fair and impartial application of the law. If confirmed, I will follow all precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

- b. When the state seeks to execute a criminal defendant, what do you believe is the more important factor—accuracy, or efficiency?**

Response: Accuracy and correctness are most important.

- 3. You have been a judge for over 15 years.**

- a. Please explain your experience with criminal matters. Approximately how many criminal cases do you estimate you have handled as a judge?**

Response: As a trial judge I presided over approximately 100 felony criminal jury trials that reached a verdict. Most of the remaining cases were resolved by pleas, to which the defendant consented. In 16 years as a trial court and appellate court judge, I estimate having handled over 1000 criminal cases.

- b. Of those cases, how often would you estimate you sided with a criminal defendant over the prosecution?**

Response: In every case, I applied the law to the facts to reach a conclusion. I do not know how often that conclusion resulted in a decision for the defendant or the prosecution. Generally, appellate standards of review favor the trial court fact finder; therefore, judgments from the trial court in criminal cases are affirmed at higher percentages compared to reversals.

- 4. I am a longtime supporter of various re-entry courts, including drug courts and Veterans Treatment Courts. I have seen these courts work successfully throughout Illinois, especially in Chicago and Cook County. I think the proof has been clear—when we include solutions like individualized, evidence-based treatment and recovery support to defendants, we can reduce recidivism and actually address some of the root causes of crime.**

According to one local publication, while you were a judge on the 22nd Judicial District Court, you went from being “skeptical” of your district’s drug and behavioral health courts to praising the work they do.¹

- a. Why were you initially skeptical of re-entry courts, including drug, behavioral health, and DWI courts?**

¹ Suzanne Le Breton, *Call us St. Slammany? No problem*, ST. TAMMANY NEWS (Apr. 27, 2012).

Response: My initial skepticism, which was noted in this 2012 article, was born from two things. First, early analyses of the drug court compared defendants who went to drug court versus those who did not. Knowing that judicial officers selected the persons who they believed would benefit most from drug court, I thought that selection bias could undermined confidence in that comparison. Second, I also questioned whether drug “courts” should be managed in the judicial branch as opposed to the executive branch, as they are not adjudicative courts. That was at a time when specialty “courts” were first starting in our area. I believe the benefits have been proven over time, and when I served as a trial judge, sent defendants to drug court.

b. In your experience, how do these specialty courts improve the criminal justice system?

Response: More focused attention on the conditions that may be contributing to a defendant’s criminal conduct allows for rehabilitation efforts to address those conditions, thus, hopefully reducing repeat criminal conduct.

5. In a June 2025 interview, you commented on the rise in violent crime by juveniles.² In that interview, you echoed the interviewer’s statement that “the weapons” contributed to the problem.

a. Do you believe that access to weapons, including firearms, contributes to violent crime by juveniles?

Response: In my experience, juveniles with violent tendencies find ways to commit violent crimes, with or without “weapons,” including firearms.

In that same interview, you also said that judges who manage a juvenile docket have to “be able to discern between a kid who is a bad kid and a kid who made a bad mistake.” You added “that level of discernment is super important in our juvenile judges.” You then said: “The bad kids, the incorrigible kids? You gotta treat ’em tough.”

b. How do you distinguish between “bad kids” or “incorrigible kids” and “a kid who made a bad mistake”?

Response: As a judge, I rely on all information presented to me about a defendant. Family structure and systems, education, employment, and peer groups all factor into discerning who is likely to be rehabilitated. The nature of the crime is also informative. *See Miller v. Alabama*, 567 U.S. 460; 132 S.Ct. 2455; 183 L.Ed.2d 407 (2012) (emphasizing the importance of considering unique circumstances and potential for change in young offenders). If confirmed, I will follow all precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

² Will Crain, AN17 (June 1, 2025), <https://www.youtube.com/watch?v=CbPH1Oj-DXo>.

6. Did President Trump lose the 2020 election?

Response: Certification of vote by state electors determines who prevailed in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. Using that process, President Biden was certified as the winner of the 2020 election.

7. Where were you on January 6, 2021?

Response: I was at my office and home in Madisonville, Louisiana, on January 6, 2021.

8. Do you denounce the January 6 insurrection?

Response: The characterization of the conduct of persons located at the Capitol on January 6, 2021, is a matter of significant political debate. In addition, I am aware that the legal import of pardons issued to those prosecuted for involvement in events at the Capitol on January 6, 2021, is a matter subject to ongoing litigation. As a judicial nominee, it would be inappropriate for me to comment further.

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

Response: The Constitution provides the President “shall have Power to grant Reprieves and Pardons for Offenses against the United States.” U.S. Const. art. II, § 2. The power is exercised at the discretion of the President. As a judicial nominee, it would be inappropriate for me to comment further.

10. 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: A party may appeal and seek a stay of the judgment. *See* Fed. Rules Civ. Pro. Rule 62; Federal Rule App. Pro. Rule 8.

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

Response: Each case must be decided based on its specific facts, but generally a party must seek a stay of a judgment to suspend its enforcement. *See* Fed. Rules

Civ. Pro. Rule 62; Federal Rule App. Pro. Rule 8. Certain exceptions may apply for particular orders, and, more broadly, judgments issued by a court without jurisdiction are regarded as nullities. *See In re Sawyer*, 124 U.S. 200, 220; 8 S.Ct. 482, 493; 31 L.Ed. 402 (1888); *Elliott v. Peirsol's Lessee*, 26 U.S. 328, 340; 7 L.Ed. 164 (1828).

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

Response: The judicial power of the United States is “vested in the Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.” U.S. Const. art. III, § 1. “It is emphatically the province and duty of the judicial department to say what the law is.” *Marbury v. Madison*, 5 U.S. 137, 177; 2 L.Ed. 60 (1803).

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

a. Are non-party injunctions constitutional?

Response: The Supreme Court held a “universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power.” *Trump v. CASA, Inc.*, 606 U.S. 831, 841; 145 S.Ct. 2540, 2550; 222 L.Ed.2d 930 (2025). The court limited injunctive relief in that case only as necessary “to provide complete relief to each plaintiff with standing to sue.” *Id.*, 606 U.S. at 861; 145 S.Ct. at 2562-63. To the extent the question calls for a legal conclusion beyond this holding, it would be inappropriate for me as a judicial nominee to further comment on the matter.

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

Response: See response to question 11a.

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

Response: The U.S. Court of Appeals for the Fifth Circuit has held injunctive relief against nonparties may be available in limited circumstances “where nonparties have actual notice of an injunction and aid and abet or act in concert with a named defendant or as the defendant’s privy in violating the injunction.” *Texas v. Dep’t of Labor*, 929 F.3d 205, 210 (5th Cir. 2019). If confirmed, I will follow all binding precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it is inappropriate for me to further comment on the matter.

- 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.

12. 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.

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

Response: The Twenty-Second Amendment states “No person shall be elected to the office of the President more than twice.”

14. 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...”³

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

Response: This question calls for a response to statements by a political figure regarding ongoing litigation. As a judicial nominee, it would be inappropriate for me to comment further on the matter.

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

Response: See response to question 14a.

15. 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”⁴ and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”⁵

³ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

⁴ Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

⁵ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

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

Response: This question calls for a response to statements by a political figure regarding ongoing litigation. As a judicial nominee, it would be inappropriate for me to comment further on the matter.

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

Response: See response to question 15a.

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

Response: See response to question 15a.

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

Response: *Stare decisis* recognizes that adherence to judicial precedent “promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process.” *Payne v. Tennessee*, 501 U.S. 808, 827; 111 S.Ct. 2597, 2609; 115 L.Ed.2d 720 (1991). If confirmed, I will follow all applicable precedent of the Supreme Court at the U.S. Court of Appeals for the Fifth Circuit.

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

Response: Generally, the relevant factors in deciding whether to adhere to the principle of *stare decisis* include the antiquity of the precedent, the reliance interests at stake, and whether the decision was well reasoned. *Montejo v. Louisiana*, 556 U.S. 778, 792-93; 129 S.Ct. 2079, 2088–89; 173 L.Ed.2d 955 (2009). The fact that a decision has proved “unworkable” is also traditional ground for overruling it. *Id.*, 556 U.S. at 792; 129 S.Ct. at 2088. As a judicial nominee for a district court, I do not feel it is appropriate to comment on what a reviewing court should do.

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

Response: See response to question 17.

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

- a. *Brown v. Board of Education***

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

Response: Although a judicial nominee usually should not comment on a particular Supreme Court precedent, numerous nominees have made exceptions for *Brown* and *Loving*. In light of that established custom, I express my view that *Brown* and *Loving* were correctly decided. Subject to those two exceptions, as a judicial nominee it would be inappropriate for me to publicly comment on the correctness of a Supreme Court decision. If confirmed, I will follow all precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

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

Response: I understand originalism to be an interpretative approach to laws that relies on the drafters’ original understanding of the text. See Antonin Scalia, *Originalism: The Lesser Evil*, 57 U. Cin. L. Rev. 849, 856 (1989). “Properly done, the task requires the consideration of an enormous mass of material—in the case of the Constitution and its Amendments, for example, to mention only one element, the records of the ratifying debates in all the states.” *Id.* In interpreting the Constitution, 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).

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

Response: See response to question 20.

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

Response: *Obergefell* is binding precedent. Beyond recognizing this precedent and confirming I will follow it and all other binding precedent from the Supreme Court and

U.S. Court of Appeals for the Fifth Circuit, as a judicial nominee it would be inappropriate for me to further comment on the matter.

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

Response. Yes. The Supreme Court recognized a constitutional right to marry that does not discriminate based on race. *See Loving v. Virginia*, 388 U.S. 1; 87 S.Ct. 1817; 18 L.Ed.2d 1010 (1967).

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

Response: These clauses collectively provide, “No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Under the Equal Protection Clause, laws that classify citizens based on suspect classes, such as race, are subject to strict scrutiny. *See Hunt v. Cromartie*, 526 U.S. 541, 546; 119 S.Ct. 1545, 1548-49; 143 L.Ed.2d 731 (1999). The Fourteenth Amendment’s Due Process Clause protects two categories of substantive rights, the rights guaranteed by the first eight Amendments and other fundamental rights “deeply rooted in [our] history and tradition” and essential to our Nation’s “scheme of ordered liberty.” *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 237; 142 S.Ct. 2228, 2246; 213 L.Ed.2d 545 (2022).

25. 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: Laws containing sex-based classifications are subject to intermediate scrutiny, under which the State must show that the “classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives.” *See United States v. Skrametti*, 145 S.Ct. 1816, 1828; 222 L.Ed.2d 136 (2025). If confirmed, I will follow all binding precedent from the Supreme Court and Fifth Circuit Court of Appeals. As a judicial nominee, it is inappropriate for me to further comment on the matter.

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

Response: See my response to question 20.

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

Response: See my response to question 20.

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

Response: The First Amendment provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” According to the Supreme Court, “while laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference, . . . such scrutiny is unwarranted when the differential treatment is justified by some special characteristic of the particular [speaker] being regulated.” *TikTok Inc. v. Garland*, 604 U.S. 56, 72-73; 145 S.Ct. 57; 220 L.Ed.2d 319 (2025) (citations and internal quotation marks omitted). First Amendment protection has been extended to natural and juridical persons. If confirmed, I will follow all binding precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it is inappropriate for me to further comment on the matter.

29. 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: Content-based laws target speech based on its communicative content. *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 471; 145 S.Ct. 2291, 2302; 222 L.Ed.2d 643 (2025). Such laws are presumptively unconstitutional and may be justified only if they satisfy strict scrutiny. *Id.* Content-neutral laws are subject to an intermediate level of scrutiny because they usually pose a “less substantial risk of excising certain ideas or viewpoints from the public dialogue.” *Id.* If confirmed, I will follow all binding precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it is inappropriate for me to further comment on the matter.

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

Response: “True threats” encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. *Virginia v. Black*, 538 U.S. 343, 359; 123 S.Ct. 1536, 1548; 155 L.Ed.2d 535 (2003). “The speaker need not actually intend to carry out the threat. Rather, a prohibition on true threats protects individuals from the fear of violence and from the disruption that fear engenders, in addition to protecting people from the possibility that the threatened violence will occur.” *Id.* (internal quotation marks and brackets omitted).

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

Response: The Fifth Amendment provides: “No person shall be . . . be deprived of life, liberty, or property, without due process of law.” The Supreme Court has stated “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; 121 S.Ct. 2491, 2500; 150 L.Ed.2d 653 (2001). If confirmed, I will follow all precedent of the Supreme Court and the United States Court of Appeals for the Fifth Circuit.

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

Response: See response to question 31.

33. 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: This question calls for a response regarding matters subject to ongoing litigation. As a judicial nominee, it would be inappropriate for me to comment on the matter.

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

Response: See response to question 33a.

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

Response: Yes. No one should be excluded from the judicial branch or elsewhere based on race, ethnicity, sex, religion, or any other protected characteristic.

35. 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: A federal judge should faithfully, fairly, and impartially apply all laws, including the First Step Act of 2018. *See* Code of Conduct for United States Judges 3A(3); 28 U.S.C.A. § 453.

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

Response: Yes.

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

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

Response: I am not familiar with the quoted statement. However, “traditional values” are long-standing principles, beliefs, and institutions rooted in our history and traditions that shape our society’s framework.

- 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.⁶**

- 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: As a judicial nominee, it would be inappropriate for me to publicly comment on political controversies or statements by political figures.

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

Response: See response to question 36b.

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

⁶ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 29, 2025, 8:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114593880455063168>.

Response: If confirmed, I will review any memberships to determine if continuing them is consistent with my oath of office and the canons of the Code of Conduct for United States Judges.

- 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: No.

- 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: As stated in my Senate Judiciary Questionnaire, I gave an update from the judiciary at a continuing legal education seminar hosted by the American Federalist Society in 2017. I was on a panel which included federal district court judges Greg Guidry (Eastern District of Louisiana) and Brian Jackson (Middle District of Louisiana).

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

Response: No.

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

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

Response: No, 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.

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

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

Response: No, 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.

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

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

Response: No, 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.

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

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

Response: No, 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.

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

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

Response: No, 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.

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

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

Response: No, 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.

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

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

Response: No, 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 not aware of any undisclosed donations made to any organizations in support of my nomination. If any such donations were made, they would not affect or influence my decision-making as a judge. To the extent this question seeks an opinion as to whether such donations should be disclosed, as a Louisiana judge I am required to make financial disclosures on many matters. Otherwise, it would be inappropriate as a judicial nominee to further comment about the matter.

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

Response: If confirmed, I will address any potential conflict of interest in accordance with the standards set forth in 28 U.S.C.A. § 455 and the applicable canons of the Code of Conduct for United States Judges. To the extent this question seeks comment on a public policy matter, it is not appropriate for me as a judicial nominee to publicly comment on it.

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

Response: See responses to questions 43d-e.

**Senate Judiciary Committee
Nomination Hearing
October 22, 2025
Questions for the Record
Senator Amy Klobuchar**

For William Crain, to be U.S. District Court Judge for the Eastern District of Louisiana

1. In 2022, the Louisiana Supreme Court was asked to review a temporary restraining order blocking Louisiana’s trigger laws. The Court declined review, but you wrote a dissenting opinion arguing the abortion bans should go into effect. Ultimately, the bans did go into effect – and they remain in effect today.

This has caused real harm to women. According to a 2024 Report, *Criminalized Care: How Louisiana’s Abortion Bans Endanger Patients and Clinicians*, one patient’s care for an ectopic pregnancy was delayed so long that her fallopian tubes ruptured. Other women were forced to undergo risky C-sections when their water broke too early in pregnancy and their doctors were banned from providing appropriate care.

- Your dissent downplayed any harm to doctors and failed to even acknowledge that pregnant women might face irreparable harm – and might even die. What would you say to litigants who question if you will meaningfully consider all potential harms or all legal arguments, and evenhandedly apply the law?

Response: If confirmed, I will fairly and impartially apply the law to all parties who appear before me. I believe that is reflected in over 500 opinions I have authored as a judge over 16 years. In *Dobbs v. Jackson Women’s Health Org.*, the Supreme Court held “that the Constitution does not confer a right to abortion. Roe and Casey must be overruled, and the authority to regulate abortion must be returned to the people and their elected representatives.” 597 U.S. 215, 292 (2022). Some states, including Louisiana, passed laws that restricted abortion. The issue in *June Medical Services, LLC v. Landry* was whether the plaintiffs, who were abortion providers, had met the standard for a temporary restraining order without notice as to Louisiana’s “trigger laws” after *Dobbs*. Under the law of Louisiana, the “trigger laws” were presumed constitutional. *State v. Hatton*, 07-2377 (La. 7/1/08), 985 So. 2d 709, 719. To obtain a temporary restraining order required plaintiffs show a likelihood of success on the merits. The trial court granted a restraining order, and the state filed a writ application with the Louisiana Supreme Court, which denied the application. In light of *Dobbs*, I dissented from the denial because I believed it unlikely the plaintiffs could prove the statutes unconstitutional, which warranted immediate review by our court. My decision was anchored in the law, not my personal or political views.

2. Some jurisdictions have passed laws purporting to prohibit people from traveling to access reproductive care or helping people travel to get an abortion.

- In his concurrence in *Dobbs*, Justice Kavanaugh wrote: “may a State bar a resident of that State from traveling to another State to obtain an abortion? In my view, the answer is no, based on the constitutional right to interstate travel.” Do you agree with Justice Kavanaugh?

Response: The Supreme Court has recognized: “The ‘right to travel’ . . . 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; 119 S.Ct. 1518, 1525; 143 L.Ed.2d 689 (1999). As a judicial nominee for district judge, it would be inappropriate for me to comment further on a matter that may come before me, or on the views expressed in an opinion by a Supreme Court justice.

- Do you agree that the Constitution guarantees to citizens of one state the fundamental right to travel to another state to seek and obtain services lawful in that state, including medical services?

Response: See response to Question 2.

**Nomination of William Crain to the
United States District Court for the Eastern District of Louisiana
Questions for the Record
Submitted October 28, 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: My judicial philosophy is to apply the law as written to the facts before me. If confirmed, when interpreting a law, I will follow all applicable precedent from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

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: In *Washington v. Glucksberg*, 521 U.S. 702; 117 S.Ct. 2258; 138 L.Ed.2d 772 (1997), the Supreme Court held that a fundamental right must be “deeply rooted in the Nation’s history and tradition.” That determination requires examination of legal doctrine, Common law and historical practices to see if the claimed right is protected. If confirmed, I will follow all precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit in determining 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, in accordance with the precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

- 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. See response to question 3.

- 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. See response to question 3.

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

Response: Yes. See response to question 3.

- e. What other factors would you consider?

Response: If confirmed, I would follow the precedent of the Supreme Court and U.S. Court of Appeals for the Fifth Circuit to determine fundamental rights.

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

Response: As the Supreme Court has held, "[i]f a precedent of this Court has direct application in a case," lower courts "should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions." *Agostini v. Felton*, 521 U.S. 203, 237 (1997) (quoting *Rodriguez de Quijas v. Shearson/American Exp., Inc.*, 109 U.S. 477, 484 (1989)). If confirmed, I would faithfully apply all Supreme Court and U.S. Court of Appeals for the Fifth Circuit precedent.

5. Under 28 U.S.C. § 455, "[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themselves] in any proceeding in which [their] impartiality might reasonably be questioned." Would you recuse yourself from cases involving former clients?

Response: If confirmed, I will follow the dictates of 28 U.S.C. § 455 and the Code of Conduct for United States Judges.

6. In your Senate Judiciary Questionnaire, you wrote: "At the district bench I served with eleven judges who could hear any case for which I was recused. However, I approached each recusal consideration as though I was serving in a single-judge district where, because of our elective system, one would expect to encounter friends, acquaintances and relatives to some degree on a regular basis. This allowed me to hew to the constitutional principles and, in deciding very difficult cases, limit the number of recusals."

- a. If there were multiple judges who could hear cases for which you were recused, why did you “approach[] each recusal consideration” as if that was not the case? If you could avoid “encounter[ing] friends, acquaintances, and relatives” as litigants or lawyers in your courtroom, why would you choose to, nevertheless, hear those cases when eleven other judges were prepared to stand in for you?

Response: I approached recusal as described because the people elected me to decide cases. In multi-judge districts cases are allotted randomly. Thus, if a judge refuses to hear an assigned case, that case gets added to another judge’s docket. For the efficient and fair administration of dockets, cases should not be reallocated unless the Constitution or law requires it. Due process requires a fair and impartial judge. Once those criteria are met, the judge should decide the case.

7. In a 2019 debate with other candidates for the Louisiana Supreme Court, you said, “my moral and my religious beliefs require that I be pro-life.”

- a. Would you agree that this statement creates at least the appearance of partiality with respect to cases involving reproductive healthcare procedures like abortion?

Response: I disagree that my statement creates the appearance of partiality. Otherwise, anyone whose religion taught pro-life would be unable to hear a case involving life or death. As a judge I cannot, I have not, and I will not, allow my personal beliefs to interfere with my application of the rule of law. I believe that is reflected in over 500 opinions I have authored as a judge over 16 years. If confirmed, I will continue to fairly and impartially apply the law to all parties who appear before me.

- b. Are you currently recusing yourself from cases involving reproductive healthcare procedures, given your stated moral and religious beliefs?

Response: No. My personal views do not impair my fair and impartial application of the law as is reflected in over 500 opinions I have authored as a judge over 16 years. If confirmed, I will follow the precedent of the Supreme Court and the U.S Court of Appeals for the Fifth Circuit.

- c. If you are confirmed, will you recuse yourself from cases involving reproductive healthcare procedures?

Response: If confirmed, I will follow the Constitution, 28 U.S.C. § 453, 28 U.S.C. § 455, and the Code of Conduct for United States Judges relative to recusals.

8. During your 2019 campaign for your seat on the Supreme Court of Louisiana, your campaign materials said that you are “pro-life,” “pro-second amendment,” and “blunt about [your] anti-abortion and pro-death penalty views.”

- a. Would you agree that these statements create at least the appearance of partiality with respect to cases involving these issues?

Response: I do not recall a statement about being “blunt,” but my political statements reflected my personal views. Judges are constitutionally allowed to present their views to voters. *Republican Party of Minnesota v. White*, 536 U.S. 765; 122 S.Ct. 2528; 153 L.Ed.2d 694 (2002). Those views do not affect my ability as a judge to fairly and impartially decide the cases presented to me. If confirmed, I will follow the precedent of the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

- b. Are you currently recusing yourself from cases involving the application of the Second Amendment?

Response: No. My personal views do not impair my fair and impartial application of the law as is reflected in over 500 opinions I have authored as a judge over 16 years. If confirmed, I will follow the precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

- c. Are you currently recusing yourself from cases involving a potential sentence of death?

Response: No. My personal views do not impair my fair and impartial application of the law as is reflected in over 500 opinions I have authored as a judge over 16 years. If confirmed, I will follow the precedent of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

- d. If you are confirmed, will you recuse yourself from cases involving the application of the Second Amendment?

Response: If confirmed, I will follow the Constitution, 28 U.S.C. § 453, 28 U.S.C. § 455, and the Code of Conduct for United States Judges relative to recusals.

- e. What about sentencing hearings where capital punishment is sought?

Response: See response to question 8d.

- f. What about from hearing habeas corpus petitions from those on death row?

Response: See response to question 8d.

9. A November 2019 article in the Times-Picayune | The New Orleans Advocate referred to you as “the favored choice of big oil and other industry and statewide business groups – viewed as a sympathetic ear for an industry facing pending legal actions by coastal

parishes and landowners seeking payment for decades of alleged damage to coastal land by oil and gas companies.” In *State ex rel. Tureau v. BEPCO, L.P.*, 351 So.3d 297, 317 (La. 2022), you were the lone dissenter, writing: “While citizen suits are important to enforce environmental regulations when the Commissioner fails to act, the majority incorrectly finds that a citizen suit is available to remedy *past* acts. In fact, the statute only covers current unlawful operations with continuing damage.”

- a. Do you believe that federal law gives adversely affected members of the public the ability to sue when an environmental law is violated, especially when the government has failed to act in response?

Response: Citizens suits seeking environmental enforcement are provided for under the Clean Water Act. My dissent in *Tureau* was largely premised on the concurrence of Justice Scalia in *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Found., Inc.*, 484 U.S. 49; 108 S.Ct. 376, 386; 98 L.Ed.2d 306 (1987) (Scalia, J., concurring), recognizing that a citizen suit could not be brought for wholly past acts. I believed the language of the act involved in *Tureau* dictated the same result as *Gwaltney*.

10. 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: A district court is bound to consider evidence the Supreme Court and U.S. Court of Appeals in its Circuit hold is appropriate to consider in deciding an issue.

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

Response: The role of this evidence is governed by Federal Rule of Evidence 702, and, if confirmed, I will apply all relevant precedents from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

11. 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.

I have also been proud to support both the *First Step Act* and the *Second Chance Reauthorization Act*, which passed the Senate earlier this month. Together, these pieces of legislation advance criminal justice reform. They reflect a bipartisan commitment to public safety that works through rehabilitation and second chances rather than incarceration alone.

- a. Do you believe criminal defendants deserve a chance at rehabilitation?

Response: Rehabilitation is an important component of our criminal justice system. If confirmed, I will apply all statutory and binding jurisprudential precedent relevant to sentencing and rehabilitation opportunities and incentives, including the requirements of 18 U.S.C.A. § 3553 and the Federal Sentencing Guidelines.

- b. 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 review all relevant laws and Sentencing Guidelines provisions when approaching a sentencing.

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

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

- d. 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. I will review all relevant laws and Sentencing Guidelines provisions when approaching a sentencing.

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

Response: Article II of the Constitution vests the President with the “executive Power” and provides he “shall take Care that the Laws be faithfully executed.” *See United States v. Texas*, 599 U.S. 670, 678; 143 S.Ct. 1964, 1971; 216 L.Ed.2d 624 (2023). The Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case. *Id.* This legal issue, and the remedies available in challenges to actions by the Executive Branch, are matters of ongoing legal and political dispute, and it would be inappropriate for me as a judicial nominee to comment further on the matter.

13. Is President Trump eligible to be elected President for a third term in 2028?

Response: The Twenty-Second Amendment states: “No person shall be elected to the office of the President more than twice.”

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

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

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

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

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

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

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

Response: The hypothetical provides insufficient information to form an opinion. It would be inappropriate for me as a judicial nominee to comment on an issue that may come before me.

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

Response: The Supreme Court addressed the events of January 6, 2021 in *Trump v. Anderson*, 601 U.S. 100, 107; 144 S.Ct. 662, 665; 218 L.Ed.2d 1 (2024), and ultimately held the Colorado Supreme Court erred in removing President Trump’s name from that state’s ballot. Otherwise, I am not aware of any precedent defining an “insurrection”.

19. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

Response: The hypothetical provides insufficient information to form an opinion. It would be inappropriate for me as a judicial nominee to comment on an issue that may come before me.

20. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

Response: The hypothetical provides insufficient information to form an opinion. It would be inappropriate for me as a judicial nominee to comment on an issue that may come before me.

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

Response: In *Griswold v. Connecticut*, 381 U.S. 479; 85 S.Ct. 1678; 14 L.Ed.2d 510 (1965), the Supreme Court reviewed a statute prohibiting the use of any drug, medical article, or instrument for the purpose of preventing contraception and held it violated the "right to privacy" in the penumbra of rights in the Fifth and Fourteenth Amendments. If confirmed, I will follow all applicable precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

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

Response: The "freedom to travel throughout the United States has long been recognized as a basic right under the Constitution." *United States v. Guest*, 383 U.S. 745; 86 S.Ct. 1170; 16 L.Ed.2d 239 (1966).

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

Response: The Supreme Court has recognized: "The 'right to travel' . . . 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; 119 S.Ct. 1518, 1525; 143 L.Ed.2d 689 (1999). As a judicial nominee, it would be inappropriate for me to comment further on a matter that may come before me.

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

Response: The Supreme Court has recognized a constitutional right to privacy. *See*

Griswold v. Connecticut, 381 U.S. 479; 85 S.Ct. 1678; 14 L.Ed.2d 510 (1965). If confirmed, I will follow all applicable precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

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

Response: This is an issue that could come before me if confirmed as a district court judge. If confirmed, I will follow all applicable precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it would be inappropriate for me to comment further on a matter that may come before me.

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

Response: See response to Question 23a.

24. 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: See response to Question 23.

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

Response: The Supreme Court has stated "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; 121 S.Ct. 2491, 2500; 150 L.Ed.2d 653 (2001). In any case, there will still remain a question of what "process" is "due." If confirmed, I will follow all applicable precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it would be inappropriate for me to comment further on a matter that may come before me.

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

Response: The Supreme Court has recognized that the original public meaning of a constitutional provision is an important inquiry when evaluating the scope of that provision. See, e.g., *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). If confirmed, I would all applicable precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

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

Response: I would first review binding jurisprudence from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit to determine if either court had addressed the issue. If no binding precedent exists, I would research other jurisdictions and authorities, including state and federal courts, research the history of the provision, and determine any instructive information from other provisions in the Constitution.

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

Response: The constitutionality of a law or regulation should be decided based upon the text of the constitutional provisions at issue as interpreted by any binding jurisprudential precedent.

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

Response: Practical consequences may be relevant in certain instances, such as the feasibility of injunctive relief. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (holding that to obtain a preliminary injunction, a litigant must show "that he is likely to suffer irreparable harm in the absence of preliminary relief").

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

Response: A judge has a duty to be respectful and courteous to litigants. *See* Code of Judicial Conduct, Canon 3A(3). A judge also must "administer justice without respect to persons, and do equal right to the poor and to the rich." *See* 28 U.S.C.A. § 453. In rendering a decision, I confine my analysis to the applicable law and facts.

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

Response: A judge's role is to apply the law to the facts of a case. A judge's life experiences helps a judge be fair and impartial, and treat litigants and attorneys with dignity, respect, and patience.

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

Response: No.

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

Response: Only if I modified an earlier order. Otherwise, see response to question 32.

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

Response: The party must explain their non-compliance. Absent a legal justification, I would consider the tools available to me under the Supreme Court and U.S. Court of Appeals for the Fifth Circuit precedent, including contempt and sanctions.

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

Response: My father, Hillary J. Crain, is the second youngest judge ever elected in Louisiana. He is the most fair and ethical person I know, and I am blessed to have him as a role model.

34. Discuss your proposed hiring process for law clerks.

Response: If confirmed, I will follow the customary practices of the U.S. District Court for the Eastern District of Louisiana for hiring law clerks.

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

Response: It is my understanding that law clerks for the judiciary are exempt from Title VII of the Civil Rights Act. As a judicial nominee, it would be inappropriate for me to comment on a legislative proposal or any matter that may come before me.

35. 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: If confirmed, I will ensure implementation of all policies and procedures adopted by the Supreme Court, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. District Court for the Eastern District of Louisiana for preventing and addressing sexual harassment, discrimination, and other forms of misconduct in the workplace.

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

Response: See response to question 35.

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

Response: I would comply with any and all reporting requirements adopted by the Supreme Court, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. District Court for the Eastern District of Louisiana.

36. 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: Opportunities to present argument to a court can help junior lawyers develop their talents to better serve their clients and, by extension, the courts. If confirmed, I would consider an order to that effect in consultation with the judges on the U.S. District Court for the Eastern District of Louisiana.

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

Response: I will continue to support the development of young lawyers by offering practical advice when appropriate, presenting continuing legal education seminars, and encouraging their professional development.

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

Response: The Constitution provides the President “shall have Power to grant Reprieves and Pardons for Offenses against the United States.” U.S. Const. art. II, § 2. The power is exercised at the discretion of the President. As a judicial nominee, it would be inappropriate for me to comment further on a matter that may come before me.

38. 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: See response to question 37.

39. During your 2019 campaign for your seat on the Supreme Court of Louisiana, your campaign materials noted that the Louisiana Republican Party had endorsed you to “keep a conservative lean on the state’s highest court.” The materials also label you “the conservative choice” and the “most conservative in the race.”

- a. Do you think it is appropriate for a federal judge to make decisions based on his or her ideology or political leaning rather than on the merits of a particular case?

Response: No. A judge should interpret the law, not make law by infusing policy considerations to apply a law where it was not intended.

- b. What would you say to a litigant with liberal views that does not think he or she would receive a fair process from you, given your campaign rhetoric promoting your conservative views?

Response: I would assure them that I will fairly and impartially hear and decide their case, and would refer them to my body of legal work accumulated over 16 years as a judge at every level of the state judiciary.

- 40. Canon 5 of the Code of Conduct for federal judges says that judges should refrain from all political activity. If confirmed, do you plan to discontinue any relationship you may have with the Louisiana Republican Party or other political organizations?

Response: I will comply with all canons of the Code of Conduct for United States Judges.

- 41. In your Senate Judiciary Questionnaire, you note that less than 1% of your legal practice has occurred in federal courts. What resources will you use to get up to speed on the rules and procedures of federal court?

Response: I tried civil jury cases to verdict in federal court during my 22 years practicing law. I was always informed on the rules and procedures of federal court. Further, the Louisiana Rules of Civil Procedure are patterned after the federal rules. It has not been uncommon during my years practicing law and as a judge for 16 years to consider the federal rules in order to interpret our state rules of procedure.

Questions for the Record for Justice William Crain
Submitted by Senator Richard Blumenthal
October 29, 2025

1. During your campaign, you were the subject of an ethics complaint which was settled by Louisiana's Judicial Campaign Oversight Committee via an "informal resolution" after you acknowledged that your behavior could be construed as violating an ethics rule. Please describe the process by which this complaint was resolved.

Response: The complaint mentioned involved a photo of all endorsees of the Louisiana Republican Party in which a banner hung behind us with the name of the Republican candidate for governor, Eddie Rispone. It was alleged that the photo depicted my endorsement of Eddie Rispone. The allegation was baseless—I did not endorse anyone for governor. In response to the complaint, I acknowledged that the picture "could" give the impression I supported the candidate and I immediately posted on Facebook that I endorsed nobody for governor. Those actions resulted in the Committee closing the matter without finding a violation.

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"?

Response: The Supreme Court held in *Matal v. Tam* that "[s]peech 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.'" 582 U.S. 218 (2017) (quoting *United States v. Schwimmer*, 279 U. S. 644, 655 (1929) (Holmes, J., dissenting)). However, I did not read or hear Attorney General Bondi's remarks so I cannot comment specifically on them.

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

Response: If confirmed, to the extent the prosecution of an alleged crime may come before me as a district judge, I cannot comment on it according to the Code of Conduct for United States Judges. I will follow all precedent of the Supreme Court and the U.S. Fifth Circuit Court of Appeals concerning the First Amendment.

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: If confirmed, I will follow the Constitution, 28 U.S.C. § 453, 28 U.S.C. § 455, and the Code of Conduct for United States Judges relative to recusals.

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

Response: See response to question 3.

- 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 response to question 3.

- 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 response to question 3.

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: Yes. If confirmed, I will comply with all canons in the Code of Conduct for United States Judges and adhere to all ethical rules and obligations that apply to federal judges.

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

Response: See response to question 4.

- 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 response to question 4.

- 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 response to question 4.

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

Response: Yes. If confirmed, I will faithfully adhere to all ethical rules and obligations governing judicial conduct, and file all required 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: See response to question 4.

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

Response: See response to question 4.

- 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: See response to question 4.

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

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

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

Response: The contempt power of federal courts is well established. *See* 18 U.S.C. § 401. If confirmed, I will follow Supreme Court precedent recognizing that power and cautioning against its abuse. *See Bloom v. State of Ill.*, 391 U.S. 194, 204 (1968).

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

Response: See response to question 6a.

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

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

Response: Yes.

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

Response: Yes.

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

Response: Orders can be enforced through numerous procedural methods, including contempt and sanctions.

- 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: Each case must be decided based on its specific facts, but generally a party must seek a stay of a judgment to suspend its enforcement. *See* Fed. Rules Civ. Pro. Rule 62; Federal Rule App. Pro. Rule 8. Certain exceptions may apply for particular orders, and, more broadly, judgments issued by a court without jurisdiction are regarded as nullities. *See In re Sawyer*, 124 U.S. 200, 220; 8 S.Ct. 482, 493; 31 L.Ed. 402 (1888); *Elliott v. Peirsol's Lessee*, 26 U.S. 328, 340; 7 L.Ed. 164 (1828).

- 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 response to question 7b.

- d. What would make a court order unlawful?

Response: See response to question 7b.

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

Response: See response to question 7b.

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

Response: See response to question 7b.

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

Response: No.

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

Response: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for William J. Crain

1. While campaigning for the Louisiana Supreme Court in 2019, you spoke about your personal ideology and religious beliefs. For example, you stated, “My moral and religious beliefs require that I be pro-life.” **If a case concerning reproductive rights comes before you as a district court judge, will you recuse yourself in light of your public statement about these strongly held moral and religious beliefs, which could reasonably cause a litigant to question your impartiality?**

Response: Membership on the Louisiana Supreme Court involves partisan elections. The Supreme Court in *Republican Party of Minnesota v. White*, 536 U.S. 765, 122 S.Ct. 2528, 153 L.Ed.2d 694 (2002) held that candidates for judge have the First Amendment right to express their personal political views as part of the election process. My personal political views do not affect the manner in which I apply the law to the facts before me as a judge. I believe that is reflected in the over 500 opinions I have authored as a judge over the last 16 years.

2. If confirmed to be a federal judge, you will take an oath to uphold the constitution. **In doing so, you must base your judicial decisions on the law, not on your personally held beliefs, correct?**

Response: Yes.

3. **What statute controls how federal judges impose sentences in every criminal case?**

Response: 18 U.S.C. § 3553. Federal judges are also guided by the Federal Sentencing Guidelines.

4. In the past, you’ve stated that you are “pro-death penalty” and that the death penalty should be implemented in an “efficient manner.” **Please explain or elaborate on what you meant by this statement.**

Response: I have observed death penalty cases delayed for 20 plus years in the appeal process. At that point, the deterrent effect of the penalty may be decreased, the victims’ families feel justice is often denied due to the delays, and the community conscience loses context for the sentence. I believe that executing sentences should not be delayed to that extent. Of course, the paramount interest is that the sentence be correct. If it takes 20 years to validate a death sentence, reform may be appropriate to sooner assure the accuracy of the conviction and sentence in death penalty cases. Nevertheless, I will not allow my personal views to interfere with my fair and impartial application of the law. If confirmed, I will follow all precedent of the Supreme Court and the U.S. Fifth Circuit Court of Appeals.

5. While campaigning for the Louisiana Supreme Court, you ran on a political platform. You advertised yourself as being “pro-life,” “pro-second amendment,” and “pro-death penalty.” **Are you also pro-civil rights?**

Response: Yes.

6. **Will your personal political beliefs or partisan affiliations influence your decisions on the federal bench? If your answer is “no”, how will you ensure your personally held beliefs will not influence your judicial decision making?**

Response: No. I have been elected as judge once at each level of the Louisiana state judiciary. Membership on the Louisiana Supreme Court involves partisan elections. The Supreme Court in *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), held that candidates for judge have the First Amendment right to express their personal political views as part of the election process. My personal political views do not affect the manner in which I apply the law to the facts before me as a judge. I believe that is reflected in the over 500 opinions I have authored as a judge over the last 16 years.

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

Response: Yes.

As a sitting judge, all of the Supreme Court’s pronouncements are binding on me, and under the Code of Conduct for United States Judges, I have a duty to refrain from critiquing the law that governs my decisions, because doing so creates the impression that the judge would have difficulty applying binding law to their own rulings. Consistent with the positions taken by other pending judicial nominees, as a general matter, it would be inappropriate for me to comment on the merits or demerits of the Supreme Court’s binding precedents.

Brown v. Board of Education and *Loving v. Virginia* are two of three exceptions to the general principle that a nominee should not comment on the Supreme Court’s precedents. *Brown* warrants this special status because that decision overruled the manifest injustice of *Plessy v. Ferguson*. *Brown*’s core holding—that “separate but equal” violates the Equal Protection Clause of the Fourteenth Amendment—is beyond dispute, and *Loving* follows directly from *Brown*. Thus, judges and nominees can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. Therefore, just as other nominees for judicial office and other sitting federal judges have done, I can confirm that *Brown* and *Loving* were rightly decided without calling into question my duties under the Code of Conduct for United States Judges.

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

Response: Yes. Please see my response to Question 7.

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

Response: Please see my response to Question 7.

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

Response: See my response to Question 7.

11. **If you answered “yes” to any of the above questions (7-10) but did not similarly answer any others, explain how you determined you could answer some questions and not others. If you have declined to answer on the basis that the issue may come before you (or another court), identify the case(s) currently pending in the federal courts that raise this issue. If you cannot identify any such cases, explain your basis for declining to answer the question(s).**

Response: See my response to Question 7. Numerous other nominees have also concluded that this is consistent with the Code of Conduct.¹

12. **While running for your seat on the Louisiana Supreme Court in 2019, Koch Industries, Chevron, and the Louisiana Oil and Gas Association all donated to your campaign. In 2022, the Louisiana Supreme Court heard a case called *State ex rel. Tureau v. BEPCO* (2022). Why did you not recuse yourself from this case given the fact that you received campaign donations from the oil industry?**

Response: Membership on the Louisiana Supreme Court involves partisan elections. However, judicial candidates are prohibited from soliciting funds. Funds must be paid to a campaign committee, which is intended to inoculate candidates. Campaign contributions have not affected my fair and impartial application of the law. Generally, campaign contributions are not an independent ground for recusal. *See Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868 (2009). If confirmed, I will follow all applicable precedent from the Supreme Court and the U.S. Fifth Circuit Court of Appeals.

13. **Prior to or during your 2019 campaign, did you ever meet with any executive or employee from Koch Industries, Chevron, and the Louisiana Oil and Gas Association or political action committees associated with any of these entities? If so, explain in detail.**

Response: I do not recall meeting with anyone with Koch Industries or Chevron. I met with an executive of the Louisiana Oil and Gas Association to introduce myself and seek their support for my Louisiana Supreme Court candidacy.

¹ See, e.g., Judge Ketanji Brown Jackson, Responses to Questions for the Record, at 19, 62, available at

<https://www.judiciary.senate.gov/imo/media/doc/Brown%20Jackson%20Responses1.pdf>.

Nomination of William J. Crain
United States District Court for the Eastern District of Louisiana
Questions for the Record
Submitted October 29, 2025

QUESTIONS FROM SENATOR BOOKER

1. You have run campaign ads declaring that you are pro-Second Amendment and pro-life.
 - a. Do those personal views influence your approach to deciding cases involving gun rights or reproductive issues? If not, please explain how.

Response: Membership on the Louisiana Supreme Court involves partisan elections. The Supreme Court in *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002) held that candidates for judge have the First Amendment right to express their personal political views as part of the election process. My personal political views do not affect the manner in which I apply the law to the facts before me as a judge. I believe that is reflected in the over 500 cases I have authored as a judge over the last 16 years.

2. You have frequently dissented in favor of harsher criminal sentences, including in *State v. Kennon* and *State v. Mangrum*.¹
 - a. In your view, what is the purpose of sentencing?

Response: Sentencing involves applying the legislatively enacted penalty to the crime for which a particular defendant is convicted. The Sentencing Guidelines recognize four primary purposes of sentencing—retribution, deterrence, incapacitation, and rehabilitation. If I were confirmed, I would be guided by 18 U.S.C. § 3553 and the Sentencing Guidelines when issuing sentencing decisions.

- b. Is your support of harsher criminal sentences absolute? Do you believe there may be cases where harsher criminal sentences would not serve the public interest or reduce criminality?

Response: I do not support “harsher” criminal sentences. In sentencing, I will apply 18 U.S.C. § 3553 and the Federal Sentencing Guidelines. I support fair sentencing considering the factors required by law to be considered.

3. In *State v. Pierce*, you dissented from a ruling striking down a 66-year mandatory minimum sentence as unconstitutionally excessive.²

¹ See *State v. Kennon*, 2019-00998 (La. 9/1/20), 340 So.3d 881, 894 (Crain, J., dissenting); *State v. Mangrum*, 23-01609 (La. 10/25/24), 395 So.3d 765, 771 (Crain, J., dissenting).

² *State v. Pierce*, 2022-01743 (La. 5/2/23), 359 So.3d 1269, 1270 (Crain, J., dissenting).

- a. If you are confirmed, what consideration would you apply to mitigating factors such as age, addiction, or family hardship when determining whether a sentence is fair and proportionate under the Eighth Amendment?

Response: In reaching a fair sentence, I will apply the factors set forth in 18 U.S.C. § 3553 and the Federal Sentencing Guidelines. I will consider all mitigating and aggravating factors required by law.

4. 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."³

- 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: Having never been through the judicial nominee process, I am not familiar with the ABA's past practices in this regard.

5. How would you characterize your judicial philosophy?

Response: My judicial philosophy is to apply the law as written to the facts before me, regardless of whether I agree with it. If confirmed, when interpreting a law, I will follow all applicable precedent from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

6. What do you understand originalism to mean?

Response: I understand originalism to be an interpretative approach to laws that relies on the drafters' original understanding of the text. *See* Antonin Scalia, *Originalism: The Lesser Evil*, 57 U. Cin. L. Rev. 849, 856 (1989). "Properly done, the task requires the consideration of an enormous mass of material—in the case of the Constitution and its Amendments, for example, to mention only one element, the records of the ratifying debates in all the states." *Id.*

³ 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>.

7. Do you consider yourself an originalist?

Response: In interpreting the Constitution, 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).

8. What do you understand textualism to mean?

Response: I understand textualism to be an interpretative approach that focuses on the law's text as the best evidence of the drafters' intent. *See* John F. Manning, *Textualism and the Equity of the Statute*, 101 Colum. L. Rev. 1, 7 (2001). Under a textualist approach, "when a statutory text is clear, that is the end of the matter." *Id.*

9. Do you consider yourself a textualist?

Response: If the text of a law is clear and unambiguous, I apply the law as written. If confirmed, when interpreting a law, I will follow all applicable precedent from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

10. Please provide an example of a federal judge, or judges, whose jurisprudence you most agree with. Why?

Response: Offering examples of judges whose rulings I approve of would be tantamount to taking a position on the merits of past decisions, which the canons preclude. If confirmed as a district judge, I will faithfully apply all binding precedent of the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

11. What is your view of stare decisis?

Response: *Stare decisis* recognizes that adherence to judicial precedent "promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process." *Payne v. Tennessee*, 501 U.S. 808, 827; 111 S.Ct. 2597, 2609; 115 L.Ed.2d 720 (1991). If confirmed, I will follow all applicable precedent of the Supreme Court at the U.S. Court of Appeals for the Fifth Circuit.

12. 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: I will consider legislative history if a statutory text is vague or ambiguous. However, the views of one legislator do not necessarily determine the meaning intended by all legislators, so care must be exercised in relying on legislative history. If confirmed, when interpreting a law, I will follow all applicable precedent from the Supreme Court and the U.S. Fifth Circuit Court of Appeals.

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

Response: See response to Question 12(a).

- 13. 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.⁴

- a. What do you attribute this to?

Response: I am not familiar with this study and cannot comment on it. If confirmed, I will apply the law fairly and impartially to all parties who come before me, regardless of race.

- b. Do you believe the law should address the effects of disparate impact?

Response: As a judicial nominee, it is not appropriate for me to express an opinion on how Congress should address disparate treatment in any context. If confirmed, I will apply the law fairly and impartially to all parties who come before me, regardless of race.

- 14. 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.⁵

- a. What do you attribute this to?

Response: I am not familiar with this study and cannot comment on it. If confirmed, I will apply the law fairly and impartially to all parties who come before me, regardless of race.

⁴ Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

⁵ 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.

15. 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: The decision to prosecute may not be based on "an unjustifiable standard such as race, religion, or other arbitrary classification." *United States v. Armstrong*, 517 U.S. 456, 464; 116 S.Ct. 1480, 1486; 134 L.Ed.2d 687 (1996). Federal law mandates that courts should "avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." *See* 18 U.S.C. § 3553(a). If confirmed, I will apply the law fairly and impartially to all parties, regardless of race.

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

Response: Demographic diversity is important. I believe no one should be excluded from the judicial branch or elsewhere based on race, ethnicity, sex, religion, or any other protected characteristic.

17. Do you believe demographic diversity is an important goal in the legal profession? Why or why not.

Response: See response to question 16.

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

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

- a. Abortion
- b. Affirmative action
- c. Contraceptives or birth control
- d. Gender-affirming care
- e. Firearms
- f. Immigration
- g. Same-sex marriage
- h. Miscegenation
- i. Participation of transgender people in sports
- j. Service of transgender people in the U.S. military
- k. Racial discrimination
- l. Sex discrimination
- m. Religious discrimination

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

Response: I have no personal recollection of publishing written material or making public statements about the identified topics, but may have during my three campaigns for judgeships. For a full list of my written materials and speeches, please refer to my responses in the Senate Judiciary Questionnaire submitted with my nomination.

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

Response: Parties must honor federal court orders. Generally, a stay of a judgment is required to suspend its enforcement. *See* Fed. Rules Civ. Pro. Rule 62; Federal Rule App. Pro. Rule 8. Certain exceptions may apply for particular orders, and, more broadly, judgments issued by a court without jurisdiction are regarded as nullities. *See In re Sawyer*, 124 U.S. 200, 220; 8 S.Ct. 482, 493; 31 L.Ed. 402 (1888); *Elliott v. Peirsol's Lessee*, 26 U.S. 328, 340; 7 L.Ed. 164 (1828).

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

Response: If a party refuses to comply with a court order, I would consider the tools available to me under precedent of the Supreme Court and U.S. Court of Appeals for the Fifth Circuit, including contempt and sanctions.

- 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 response to question 19.

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

Response: Generally, the Executive Branch is required to execute the laws passed by the Legislative Branch. The President is vested with the authority to veto legislation passed by Congress. *See* Const., art. I, § 7, cl. 2. “Under Article II, the Executive Branch possesses authority to decide ‘how to prioritize and how aggressively to pursue legal actions against defendants who violate the law.’” *United States v. Texas*, 599 U.S. 670, 678 (2023) (quoting *TransUnion LLC v. Ramirez*, 594 U.S. 413, 429 (2021)). At the same time, the Constitution requires the president to “take Care that the Laws be faithfully executed.” Art. II, § 3. As a judicial nominee, it would be inappropriate to comment further on an issue regarding ongoing or potential litigation.

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

Response: Generally, use of Congressional appropriations is governed by The Impoundment Control Act, 2 U.S.C. §681, *et seq.* As a judicial nominee, it would be inappropriate to comment further on an issue regarding ongoing or potential litigation .

22. 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: Generally, Article 6 of Title VII of the Civil Rights Act of 1964 prohibits discrimination in programs or activities that receive federal financial assistance. As a judicial nominee, it would be inappropriate to comment further on an issue regarding ongoing or potential litigation.

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

Response: Yes. The Supremacy Clause establishes that federal laws supersede any conflicting state laws.

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

Response: The Fifth Amendment provides: "No person shall be . . . be deprived of life, liberty, or property, without due process of law." The Supreme Court has stated "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; 121 S.Ct. 2491, 2500; 150 L.Ed.2d 653 (2001). If confirmed, I will follow all precedent of the Supreme Court and the United States Court of Appeals for the Fifth Circuit.

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

Response: Recent Supreme Court precedent holds "Congress may vest discretion in executive agencies to implement and apply the laws it has enacted." *Fed. Commc'ns Comm'n v. Consumers' Research*, 145 S.Ct. 2482, 2491; 222 L.Ed.2d 800 (2025). Congress must provide sufficient standards to enable both the courts and the public to ascertain whether the agency has followed the law. *Id.*

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

Response: Yes. As a sitting judge, all of the Supreme Court's pronouncements are binding on me, and under the Code of Conduct for United States Judges, I have a duty to refrain from critiquing the law that governs my decisions, because doing so creates the impression that I would have difficulty applying binding law to their own rulings. Consistent with the positions taken by other pending judicial nominees, as a general matter, it would be inappropriate for me to comment on the merits or demerits of the Supreme Court's binding precedents.

Brown v. Board of Education and *Loving v. Virginia* are two of three exceptions to the general principle that a nominee should not comment on the Supreme Court's precedents. *Brown* warrants this special status because that decision overruled the manifest injustice of *Plessy v. Ferguson*. *Brown*'s core holding—that “separate but equal” violates the Equal Protection Clause of the Fourteenth Amendment—is beyond dispute, and *Loving* follows directly from *Brown*. Thus, judges and nominees can express their agreement with that principle without calling into question their ability to apply the law faithfully to cases raising similar issues. Therefore, just as other nominees for judicial office and other sitting federal judges have done, I can confirm that *Brown* was rightly decided without calling into question my duties under the Code of Conduct for United States Judges.

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

Response: Yes. The case involved a constitutional challenge to a criminal statute prohibiting the use of any drug, medical article, or instrument for the purpose of preventing contraception. The Supreme Court held the law violated the “right to privacy” in the penumbra of rights in the Fifth and Fourteenth Amendments.

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

Response: Yes. The case involved a constitutional challenge to a criminal statute prohibiting persons of the same sex engaging in sexual conduct. The Supreme Court held the statute violated the right of liberty under the Due Process Clause in the Fifth and Fourteenth Amendments.

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

Response: Yes. The case involved a constitutional challenge to a law that defined marriage as a union between one man and one woman. The Supreme Court held the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment, couples of the same-sex may not be deprived of that right and that liberty.

30. 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: Certification of vote by state electors determines who prevailed in a presidential election. See U.S. Const., art. II, § 1; U.S. Const. amend. XII. Using that process, President Biden was certified as the winner of the 2020 election.

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

Response: See response to question 30.

- 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: See response to question 30.

31. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”⁶

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

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

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

Response: See response to question 31(a).

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

Response: President 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: See response to question 31(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 Twenty-Second Amendment states “No person shall be elected to the office of the President more than twice.”

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

Response: In preparing for my Senate Judiciary Committee hearing, we generally discussed nominees’ previous responses to various questions posed by Committee members. My responses are consistent with the judicial canons, and I have relied on the interpretations and practices of preceding nominees.

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

⁶ U.S. CONST. amend. XXII.

Response: No.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

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

- a. Enrique Tarrío
- 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.

43. 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.

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

Response: No.

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

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

45. 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. If confirmed, I will faithfully adhere to all ethical rules and obligations governing judicial conduct, and file all required reports.

46. 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.”⁷

- a. Do you agree with the above statement?

Response: I am not familiar with the statement or the context in which it was made, so I cannot comment on it beyond saying that I do not believe all Democrats are Marxists who hate America or believe in censorship.

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

Response: No.

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

Response: No.

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

Response: No, not that I am aware of.

47. 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. Personnel with the Department of Justice Office of Legal Policy provided general guidance on completing the Senate Judiciary Questionnaire. I made all decisions about the responses, including what cases to list.

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

Response: See response to question 47.

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

⁷ <https://www.article3project.org/about>

Response: See response to question 47.

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

Response: No.

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

Response: No.

50. Please explain, with particularity, the process whereby you answered these written questions, including whether you personally drafted initial responses and whether anyone helped draft, review, or edit the answers.

Response: I personally read each question and, with assistance from my staff, prepared each response. I then received feedback from members of the Office of Legal Policy at the Department of Justice, finalized my answers, and authorized them to be submitted to the Senate Judiciary Committee. The answers here are my own.

Questions for the Record

William J. Crain – nominee to be United States District Judge for the Eastern District of Louisiana

Sen. Adam Schiff (CA)

1. What is your opinion on the role of transparency in judicial decision making?

Response: I am not familiar with a defined or recognized term “transparency in judicial decision making.” Transparency in judicial decision-making is accomplished in several ways. As a trial judge I issued reasons, either oral or written, explaining factual findings, the applicable law, analysis, and reasoning in support of my decision. Most court proceedings are open to the public, and a stenographer or other court official makes a contemporaneous record of all communications in open court. Judicial canons and attorney ethics bar *ex parte* communications about a case between a party and the court without all parties present. These and other measures provide transparency to judicial decision-making and are critical to preserving public confidence in the judicial system.

2. Reports state you received donations to your Louisiana Supreme Court bid from Koch Industries, ExxonMobil, and Chevron, among several other oil and gas companies.

- a. Have you spoken to lobbyists, executives, or other officials from any of the following companies since the beginning of your nomination process: Koch Industries; ExxonMobil; Chevron; Houston Energy LP; Helis Oil & Gas Company; The Dow Chemical Company; Badger Oil Corporation; Hornbeck Offshore Operators; or Lavigne Oil Company?

Response: No.

- i. If so, what was the nature of these discussions and when, approximately, did they occur?
- b. The oil and gas industry routinely appears before courts in Louisiana. Do you plan to recuse yourself from matters involving companies that have donated to your campaign?

Response: Membership on the Louisiana Supreme Court involves partisan elections. However, judicial candidates are prohibited from soliciting funds. Funds must be paid to a campaign committee, which is intended to inoculate candidates. Campaign contributions have not affected my fair and impartial application of the law. Generally, campaign contributions are not an independent ground for recusal. See *Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868; 129 S.Ct. 2252; 173 L.Ed.2d 1208 (2009). If confirmed, I will follow all applicable precedent from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit.

Will you commit to exercising impartiality in all of your decisionmaking regarding the oil and gas industry?

Response: Yes.

3. To the best of your knowledge, what is the unitary executive theory? Do you subscribe to the theory?

Response: The phrase “unitary executive theory” is sometimes used to describe the premise that the drafters of the Constitution believed the executive branch, unlike the other branches, should be led by a single decision-maker, vested with authority over the executive branch but personally accountable to the people through nation-wide elections. As described by the Supreme Court:

[The Framers] chose not to bog the Executive down with the “habitual feebleness and dilatoriness” that comes with a “diversity of views and opinions.” *Id.*, at 476. Instead, they gave the Executive the “[d]ecision, activity, secrecy, and dispatch” that “characterise the proceedings of one man.” *Id.*, at 472.

To justify and check *that* authority—unique in our constitutional structure—the Framers made the President the most democratic and politically accountable official in Government. Only the President (along with the Vice President) is elected by the entire Nation. And the President’s political accountability is enhanced by the solitary nature of the Executive Branch, which provides “a single object for the jealousy and watchfulness of the people.” *Id.*, at 479. . . .

The resulting constitutional strategy is straightforward: divide power everywhere except for the Presidency, and render the President directly accountable to the people through regular elections. In that scheme, individual executive officials will still wield significant authority, but that authority remains subject to the ongoing supervision and control of the elected President. Through the President’s oversight, “the chain of dependence [is] preserved,” so that “the lowest officers, the middle grade, and the highest” all “depend, as they ought, on the President, and the President on the community.” 1 Annals of Cong. 499 (J. Madison).

Seila Law LLC v. Consumer Fin. Prot. Bureau, 591 U.S. 197, 223-24; 140 S.Ct. 2183, 2203; 207 L.Ed.2d 494 (2020) (quoting The Federalist No. 70 and 1 Annals of Cong. 499 (J. Madison)).

I will follow all binding precedent from the Supreme Court and U.S. Court of Appeals for the Fifth Circuit.

4. Do you believe the Constitution is a living document?

Response: The meaning and import of the phrase “living Constitution” are the subject of much debate. My judicial philosophy is to apply the law as written, regardless of whether I agree with it. If confirmed, I will follow all binding precedent from the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit. As a judicial nominee, it would be inappropriate for me to further comment on the matter.