

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Nicholas Jon Ganjei
Nominee to be U.S. District Judge for the Southern District of Texas
November 26, 2025

1. According to your Senate Judiciary Questionnaire, you spent a year working as a researcher for Professor John Yoo. Mr. Yoo served in the Justice Department's Office of Legal Counsel and infamously drafted the so-called "Torture Memos" that offered a legal justification for the torture of certain detainees. Another Bush appointee, Jack Goldsmith, later withdrew these memos and described them as, "tendentious, overly broad and legally flawed." They are rightly viewed as a stain on this nation's history. You previously defended John Yoo.

Please tell us whether you now agree with Jack Goldsmith's conclusion that Mr. Yoo's Torture Memos were legally flawed.

Response: I am not familiar with the specifics of Mr. Goldsmith's legal reasoning underlying his opinion and I am therefore unable to offer a comment.

2. In the aftermath of the January 6 attack on the U.S. Capitol, U.S. Attorneys' Offices around the country prosecuted rioters for assaulting law enforcement and other criminal acts.
 - a. **In your role at the U.S. Attorney's Office for the Eastern District of Texas, did you personally handle, supervise, or advise on any cases involving individuals who were present at the January 6 riot at the U.S. Capitol?**

Response: The Eastern District of Texas did not prosecute any individuals present at the U.S. Capitol on January 6th, and my understanding is that all such prosecutions were handled by the United States Attorney's Office for the District of Columbia. The defendants in such cases resided throughout the country, so the Eastern District would have provided assistance in the execution of warrants within its district and other preliminary matters, as it would in any other case prosecuted by an out-of-district entity. I did not personally handle, supervise, or advise on any such matters.

Former Acting Deputy Attorney General Emil Bove previously directed a U.S. Attorney to fire dozens of line prosecutors who had worked on January 6 cases. Mr. Bove also sought the names of thousands of FBI employees who had worked on investigations into January 6 rioters and accused these career public servants of "weaponiz[ing]" the FBI against these violent offenders.

- b. **As a federal prosecutor, do you believe an order firing prosecutors simply for handling cases that were assigned to them is appropriate?**

Response: I am not familiar with the reasons underlying the termination of the specific employees you describe. Generally, absent ethical or legal concerns, prosecutors are expected to prosecute cases assigned to them.

- c. Do you believe your colleagues or the FBI investigators with whom they worked on January 6 cases “weaponized” the justice system against January 6 offenders?**

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

- 3. In 2018, you donated \$1,250 to Steve Pearce’s campaign for Governor of New Mexico. Mr. Pearce had cast doubt on whether President Obama had been born in the United States and wrote in his book that women should “voluntarily submit” to their husbands.**

Do you agree with these statements by Pearce?

Response: I am not familiar with the statements you describe, nor have I read the book that you mention and therefore cannot offer a comment or opinion.

- 4. In March 2021, you, along with other members of Texas law enforcement, were copied on a letter from the Georgetown Institute for Constitutional Advocacy and Protection regarding unlawful militias operating in Texas. The letter described how these anti-government paramilitary groups had ties to January 6 rioting and other violent acts.**
- a. After receiving this letter, did you instruct your office to take any actions to investigate these violent militias, their violence on January 6, or other threats posed by these groups?**

Response: I am not familiar with the letter you describe and do not recall having received or read such a letter.

- b. If so, please describe your office’s work and its findings.**

Response: Please see my response to Question 4(a).

- c. If not, please explain why you did not feel the need to investigate this domestic terrorism and anti-government activity.**

Response: Please see my response to Question 4(a).

- 5. Did President Trump lose the 2020 election?**

Response: Joseph Robinette Biden, Jr. was certified the winner of the 2020 election.

6. Where were you on January 6, 2021?

Response: Beaumont, Texas.

7. Do you denounce the January 6 insurrection?

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

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

Response: Article II, Section 2, Clause 1 of the U.S. Constitution empowers the President to issue pardons. Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

9. 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 that disagrees with a court order has a number of options, including seeking a stay or appeal, or moving for reconsideration of the court's order.

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

Response: In almost all instances, unless a stay is granted, all parties must obey federal court orders unless and until the court's order is vacated or reversed by an appellate court. However, there are some potential exceptions to this general rule, including lack of jurisdiction or impossibility. The Supreme Court has also recognized that, in some circumstances, it may be necessary for a party to defy a court order to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information.”).

- 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 branch is the part of government empowered to issue federal court orders, and there is a review scheme through which courts can evaluate whether lower-court orders or their own prior orders are lawful.

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

- a. Are non-party injunctions constitutional?**

Response: In *Trump v. CASA*, 145 S. Ct. 2540 (2025), the Supreme Court held that injunctions granted under a court’s equitable powers are suspect when they go beyond granting complete relief to the parties before the court. There are still open legal questions about constitutional and statutory limits on the scope of equitable relief. To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

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

Response: Please see my response to Question 10(a).

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

Response: Please see my response to Question 10(a).

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

Response: No, I don’t believe so.

- 11. 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.

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

Response: Section 1 of the Twenty-Second Amendment to the Constitution states, in relevant part, that “[n]o person shall be elected to the office of the President more than twice.”

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

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

Response: This question calls for a response to statements by a political figure regarding ongoing litigation, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: Please see my response to Question 13(a).

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

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

Response: This question calls for a response to statements by a political figure regarding ongoing litigation, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: Please see my response to Question 14(a).

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?

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

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

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

Response: Please see my response to Question 14(a).

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

Response: It is never appropriate for a lower court to depart from Supreme Court precedent.

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

Response: If I were fortunate enough to be confirmed as a district court judge, I will not be in a position to overturn or consider overturning circuit court precedent. The Fifth Circuit may choose to revisit or overturn its own precedent by convening *en banc*.

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

Response: If I were fortunate enough to be confirmed as a district court judge, I will not be in a position to overturn or consider overturning Supreme Court precedent. The Supreme Court discussed the circumstances in which it will overturn one of its own precedents. *See Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022).

18. 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: All Supreme Court precedent is binding on lower courts, and I would fairly and faithfully apply all Supreme Court precedent. Consistent with the approach followed by many judicial nominees before me, in general, I cannot appropriately comment on whether a given Supreme Court precedent is correctly decided. There are limited exceptions to that general proposition, and *Brown v. Board of Education* and *Loving v. Virginia* are two such exceptions. *Brown v. Board of Education* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme

Comi precedent is correctly decided, numerous nominees have made an exception and offered their views that *Brown* and *Loving v. Virginia* were correctly decided. In line with that practice, I believe it appropriate for me to offer my view that *Brown* and *Loving* were correctly decided.

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

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. v. Bruen*, 597 U.S. 1 (2022). I would follow Supreme Court and Fifth Circuit precedent as to the scope and application of such an analysis.

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

Response: Please see my response to Question 19.

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

Response: The Supreme Court has addressed this issue. In *Obergefell*, the Supreme Court stated that it “holds same-sex couples may exercise the fundamental right to marry in all States” and “hold[s] . . . that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character.” 576 U.S. 644, 681 (2015). *Obergefell v. Hodges* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow all Supreme Court precedent.

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

Response: The Supreme Court has already addressed this issue. In *Loving v. Virginia*, the Supreme Court recognized that the Constitution prohibits state law from barring interracial couples from marrying.

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

Response: The Fourteenth Amendment states, “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1. The application of those portions of the Fourteenth Amendment have been perhaps the most-discussed constitutional issues of the past century and thus cannot be readily synthesized

in the context of this question. If confirmed as a district court judge, I would be bound to apply all Supreme Court and Fifth Circuit caselaw regarding such matters.

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

Response: The Supreme Court has applied these constitutional provisions to cases involving claims of discrimination based on sex and sexual orientation. *See, e.g., United States v. Virginia*, 518 U.S. 515 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003). As a district court judge, I would be bound to apply all Supreme Court and Fifth Circuit caselaw regarding such a question.

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

Response: Please see my response to Question 19.

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

Response: Please see my response to Question 19. To the extent this question calls for a response that could be seen as opining on political matters or potential future cases, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: The First Amendment states: “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” If I am confirmed as a district court judge, I would faithfully apply the relevant and governing First Amendment precedent of the Supreme Court and the Fifth Circuit.

28. 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: Several recent Supreme Court cases have addressed speech and whether it is “content-based” or “content-neutral,” including *TikTok Inc. v. Garland*, 604 U.S. 56 (2025), among others. According to the Supreme Court, “[c]ontent-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *Id.* at 70 (quoting *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015)). “Content-neutral laws, in contrast, ‘are subject to an intermediate level of scrutiny because in most cases they pose a less substantial risk of

excising certain ideas or viewpoints from the public dialogue.” *Id.* (quoting *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 641 (1994)). I will apply the precedent of the Supreme Court and the Fifth Circuit in determining whether a law that regulates speech is “content-based” or “content-neutral.”

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

Response: The Supreme Court has addressed “true threats” in cases such as *Counterman v. Colorado*, 600 U.S. 66 (2023), and *Elonis v. United States*, 575 U.S. 723 (2015).

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

Response: The Supreme Court has held that “the Due Process Clause applies to all ‘persons’ within the United States.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I would follow all binding Supreme Court and Fourth Circuit precedent on this topic. To the extent this question asks that I opine on a matter of political controversy or a matter that could come before me should I be confirmed, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: The answer to this question may depend on, among other things, treaties and reciprocal agreements. I am aware that the above question has been the subject of recent litigation. As a result, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

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

Response: I am aware that the above question has been the subject of recent litigation. As a result, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: Please see my response to Question 32(a).

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

Response: No one should be excluded from judicial service based on characteristics like sex, race, or ethnicity. Lawyers of many different backgrounds, including those pursuing law as a second career, or who studied at non-T-14 law schools, can add a valuable perspective to the federal bench.

- 34. 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: It is the role of a federal judge to faithfully, fairly, and impartially apply all laws, including the *First Step Act*, as written to the facts of the case and controversy before them. In discharging this duty, the judge must apply the law without considering their own personal or policy views.

- 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: If I am fortunate enough to be confirmed as a district judge, every sentence I would impose would be the product of an individualized assessment, based on the unique facts and circumstances of each defendant, and would be determined in accordance with the sentencing factors set forth in 18 U.S.C. § 3553(a).

35. 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 this statement you describe or what was intended by the use of the term in this particular context.

- b. **President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.⁴**

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

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

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

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

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

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

- 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: I am not aware of whether any given person is “associated with” the Federalist Society, an organization that I understand to have thousands of members. I have many friends who are members of the organization, and I have spoken with some of them about my selection process. I do not believe I have ever met or spoken to either Mr. Leo or Mr. Calabresi.

- 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 noted in my questionnaire, I have been a member of the organization for many years, and I have attended and spoken at a variety of events.

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

Response: No.

36. 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. **In your Questionnaire, you state that you are currently or were previously a member of the Teneo Network. How many meetings have you attended since joining?**

Response: I believe I have attended a total of four events.

- b. **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: I have casually spoken to friends who are members of the Teneo Network, who have reached out to congratulate me after news of my nomination became public.

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

Response: I attended a casual dinner of a handful of Houston-area Teneans where I discussed my work as United States Attorney for the Southern District of Texas.

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

Response: No.

- 37.** 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: Although I have several friends who work or have worked at the Heritage Foundation or Heritage Action, I do not know the full universe of who may be “associated” with the two organizations. I had numerous friends and colleagues reach out to congratulate me on my nomination once news became public, some of whom formerly worked for the Heritage Foundation.

- 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.

- 38.** 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: While I do not know everyone who is or was “associated” with AFPI, I did correspond with the (now former) Chief Counsel for Senator Cruz, an alumnus of AFPI, who was the designated point of contact for judicial applications.

- 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.

- 39. 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: I am not aware of whether any given person is “associated with” AFLI, but 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?**

During my time as Chief Counsel for Senator Cruz, AFLI served as counsel of record for several amicus briefs filed by Senator Cruz.

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

Response: No.

- 40. 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: I, and other members of my office, have spoken to Mr. Davis in a professional capacity regarding a case matter. I have never spoken to Mr. Davis in regard to my nomination.

- 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.

- 41. 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: While I do not know everyone who is or was “associated” with ADF, I believe I received a message or two from members or alumni congratulating me on my nomination.

- 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.

- 42. 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: I am not aware of whether any given person is “associated with” the Concord Fund or the 85 Fund, but 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: If confirmed, I would be guided by the Code of Conduct for United States judges, which states, “a judge should not personally participate in fund-raising activities, solicit funds for any organization, or use or permit the use of the prestige of judicial office for that purpose. A judge should not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fund-raising mechanism.” To the extent that this question calls for a response that could be seen as opining on political matters or potential future cases, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- 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: Please see my response to Question 42(d). If confirmed, I will address all actual or potential conflicts by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

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

Response: Please see my response to Question 42(d).

Nomination of Nicholas Jon Ganjei
Nominee to the United States District Court for the Southern District of Texas
Questions for the Record
Submitted November 26, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. The U.S. Marshals Service is responsible for ensuring the safety of federal judges, including investigating threats against judges. In a threat investigation, would you expect the U.S. Marshals and FBI to investigate any party they have reason to believe is complicit or culpable, including under RICO and conspiracy statutes, in addition to the individual who made the threat?

Response: I would expect the U.S. Marshals Service to follow all applicable procedures and utilize all investigative methods they believe appropriate in a given case.

2. Have you had any conversations with President Trump or members of the Trump administration concerning your views on any policy or case law? If so, please identify with whom you spoke and describe those conversations with specificity.

Response: No.

3. You said in your questionnaire that you were a member of the Federalist Society from 2008 to 2009 and from 2016 to present.

- a. Do you know Leonard Leo? If so, how do you know Leo?

Response: No. I do not believe I have ever met Mr. Leo.

- b. Have you ever communicated with Leo? If so, state how many times and describe the communication(s).

Response: No. I do not believe I have ever spoken to Mr. Leo.

4. You said in your questionnaire that you have been a member of the Teneo Network since 2022.

- a. Why did you join this group?

Response: I joined Teneo in order to have the opportunity to meet and interact with accomplished men and women of the same age cohort who work in fields outside of the law.

- b. What activities have you engaged in as part of the Teneo Network?

Response: I have attended approximately two dinners and two annual retreats.

- c. Have you participated in creating any agenda for the Teneo Network? If yes, please describe.

Response: No.

- d. Have you participated in any fundraising for the Teneo Network? If yes, please describe.

Response: No.

- e. Did your affiliation with Teneo Network play a role in securing your judicial nomination?

Response: No, not to my knowledge.

- 5. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.

- a. Leonard Leo?

Response: I have not spoken to Mr. Leo regarding my nomination.

- b. Anyone affiliated with an entity led or funded by Leonard Leo?

Response: I do not know every group led or funded by Mr. Leo, nor do I know every person “affiliated” with such organizations, but my answer, to the best of my knowledge, is no.

- c. Carrie Severino?

Response: I have not spoken to Mrs. Severino regarding my nomination.

- d. Mike Davis?

Response: I have not spoken to Mr. Davis regarding my nomination.

- e. Anyone affiliated with The Article III Project?

Response: I do not know every person “affiliated” with The Article III Project, but my answer, to the best of my knowledge, is no, I have not spoken with anyone at The Article III Project regarding my nomination.

- 6. Your questionnaire indicates that you were a 2019 Lincoln Fellow at the Claremont Institute, where John Eastman is a Senior Fellow and the Founding Director of the Institute’s Center

for Constitutional Jurisprudence.

- a. Do you know John Eastman? If so, how do you know John Eastman?

Response: I do not believe I have ever met Mr. Eastman.

- b. Did you ever communicate with Eastman about any purported election irregularities or any other basis upon which to dispute the results of the 2020 election and certification of Joseph Biden by the Electoral College as the winner of the 2020 election? If so, please describe the communication(s) with specificity.

Response: No.

7. In December 2014, while serving as an Assistant U.S. Attorney, were you arrested and charged with driving while intoxicated, speeding, driving on the wrong side of the road, and having no proof of insurance?

Response: In December 2014, I was charged with misdemeanor DUI, speeding, improper lane change, and not having my current insurance card in my vehicle. I was never charged with driving on the wrong side of the road. I contested all charges and they were ultimately dismissed in full, without any admission of guilt, diversion program, or other negative adjudication. The matter was later expunged by the State of New Mexico. This information was already provided to the Senate Judiciary Committee.

Senate Judiciary Committee
Nomination Hearing
November 19, 2025
Questions for the Record
Senator Amy Klobuchar

For Nicholas Ganjei, to be U.S. District Judge for the Southern District of Texas

1. In May, Chief Justice Roberts said that “in our Constitution...the judiciary is a co-equal branch of government, separate from the others, with the authority to interpret the Constitution as law - and strike down acts of Congress or acts of the President.” He also said that part of the job of the courts was to “check the excesses of Congress or the executive and that does require a degree of independence.”

- Do you agree with the Chief Justice?

Response: As the Chief Justice indicated, it is the role of the judiciary to decide cases and controversies.

- What are your views on the importance of the independence of the judiciary?

Response: Judicial independence is a key feature of our constitutional order, and is written into our Constitution in the form of lifetime appointments and salary protection for judicial officers, *see* Article III, Section 1.

2. Since the start of this administration, President Trump has frozen at least \$425 billion in federal funding that Congress appropriated. This includes funding for cancer research, public safety grants including COPS grants and VAWA grants, funding that farmers and local agriculture depends on, and even funding for services at the Department of Veterans Affairs.

- What provision of the Constitution empowers the President to withhold funds appropriated by Congress?

Response: The issue of impoundment has been the topic of much debate, dating all the way back to the presidency of Thomas Jefferson. Proponents of the President’s authority to withhold funds have pointed to the Vesting Clause, the Take Care Clause, the Commander in Chief Clause, and the President’s foreign affairs powers. I am aware of the Supreme Court’s decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.* To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

- What is your understanding of the Appropriations Clause?

Response: The Appropriations Clause is found in Article I, Section 9, Clause 7 of the Constitution, and establishes Congress's role as the branch of government responsible for the appropriation of public funds.

**Nomination of Nicholas Ganjei to the
United States District Court for the Southern District of Texas
Questions for the Record
Submitted November 26, 2025**

QUESTIONS FROM SENATOR COONS

1. Do you believe that the Senate Judiciary Committee has a responsibility to evaluate judicial nominees to the best of its ability, including by asking questions on the record to make each nominee's unique background and viewpoint clear to the American people?

Response: Yes.

2. Do you believe that you, as a judicial nominee, have a responsibility to the American people to give full and complete answers to the Committee's questions to the best of your ability and in good faith?

Response: Yes.

3. Do you believe you fulfilled this responsibility with the answers you have provided to my questions for the record?

Response: Yes.

- a. Did you receive assistance from staff in the White House, the Department of Justice, or any other organization in writing your responses to these questions? If so, from whom did you receive assistance and what was the nature of the assistance you received?

Response: No.

- b. Do you believe it is appropriate for a nominee to answer my questions for the record with the verbatim answers of previous nominees who answered the same questions?

Response: So long as the response fully and accurately summarizes my views on the topic, I see no issue with such an approach.

- c. Did you review the answers to my questions for the record submitted by previous judicial nominees before answering these questions?

Response: Yes.

- d. To your knowledge, are any of your answers to these questions for the record exact duplicates of answers provided by previous nominees?

Response: Yes.

4. 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 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.

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

Response: I have had the good fortune to clerk for not one, but two, incredible judges, the Honorable Richard Allen Griffin of the Sixth Circuit Court of Appeals and the Honorable Ralph R. Erickson of the Eighth Circuit Court of Appeals (previously of the District Court for the District of North Dakota). Both judges have served as role models to me throughout my legal career, and I have always known them to adhere to the highest ethical standards.

6. How would you describe your judicial philosophy?

Response: My judicial philosophy would be to faithfully and impartially apply the law to the facts of any case or controversy that came before me. I would treat each party that came before me with respect, and I would take great pains to ensure that my own personal views or policy preferences factored into my judicial determinations.

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

Response: If I were confirmed, I would faithfully apply the standards set forth in all applicable Supreme Court and Fifth Circuit precedent.

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

Response: Yes.

- b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: Yes, in accordance with applicable precedent of the Supreme Court and the Fifth Circuit. As for the types of sources I would consult, I would faithfully apply binding Supreme Court precedent, including consulting the kinds of sources relied upon in *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022), *Washington v. Glucksberg*, 521 U.S. 702 (1997), and any other pertinent binding precedent.

- 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: Should I be confirmed as a district judge, I would be bound by precedent of the Supreme Court or Fifth Circuit that recognized the right at issue. In the absence of controlling precedent, other circuits' treatment of the same right could be considered for its persuasive authority.

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

Response: Yes.

- e. What other factors would you consider?

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

8. If you concluded that the President had violated his constitutional duty to faithfully execute the laws and then had to determine the remedy, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: The Take Care Clause, as found in Article II, Section 3, Clause 5, provides that the President "[s]hall take Care that the Laws be faithfully executed." The Supreme Court has also noted that "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)). However, how these or any other legal principles apply to presidential action, 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 opine on such a question. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

9. Is President Trump eligible to be elected President for a third term in 2028? Assume that I know what the text of the 22nd Amendment says. I am interested in your application of that text to whether or not President Trump can be elected President in 2028.

Response: The Twenty-Second Amendment to the U.S. Constitution provides, in pertinent part, that “[n]o person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.” Beyond this, this question calls for a response that could be seen as opining on a future case, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: Donald John Trump was certified the winner of the 2016 Presidential Election.

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

Response: Joseph Robinette Biden, Jr. was certified the winner of the 2020 Presidential Election.

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

Response: Donald John Trump was certified the winner of the 2024 Presidential Election.

13. If Congress certifies a candidate as being the winner of a presidential election, does that mean that the candidate won the election? If not, what does it mean?

Response: It means the candidate was certified the winner of the election.

14. 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.” As a general matter, what criteria would you use when deciding whether to recuse yourself from a case?

Response: If confirmed, when making any recusal decision, I will follow the recusal statute and all ethical requirements of the Code of Conduct for United States Judges. Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of other judges of Southern District of Texas.

15. 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 adopted an amendment to supervision guidelines implementing certain parts of the bill; this amendment went into effect on November 1.

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

Response: If I am confirmed, I would take into account all applicable statutory authority, as well as the relevant provisions of the Sentencing Guidelines, in fashioning an individualized, appropriate sentence for every defendant.

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

Response: Congress has determined that “terminat[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. *See* 18 U.S.C. § 3583(e)(1).

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

Response: Yes. I will review all applicable statutory authority and the Sentencing Guidelines in advance of sentencing any defendant.

- 16. If you had to determine whether it is appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

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

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

Response: The Supreme Court has recognized: “The ‘right to travel’ . . . protects the right a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State.” *Saenz v. Roe*, 526 U.S. 489, 500 (1999).

- a. If you had to determine whether it is constitutional for a state to restrict the interstate travel of its citizens, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: I assessing the constitutionality of any state law that prohibited or impinged interstate travel, I would look to the binding precedent of both the Supreme Court and the Fifth Circuit Court of Appeals, as well as persuasive authority from other circuits.

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

Response: The Supreme Court has recognized a constitutional right to privacy in certain contexts. For example, in *Eisenstadt v. Baird*, 405 U.S. 438 (1972), the Court opined that “[i]f the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.” 405 U.S. 438, 453 (1972). If confirmed, I would faithfully apply all binding precedent.

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

Response: The Supreme Court has held that there is a constitutional right to use contraceptives. *See Griswold v. Connecticut*, 381 U.S. 479 (1965). I would faithfully apply all binding precedents of the Supreme Court.

19. Does the public’s original understanding of the meaning of a constitutional provision constrain its application decades or centuries later?

Response: The U.S. Supreme Court has held that certain constitutional provisions must be interpreted according to their original meaning. *See, e.g., United States v. Rahimi*, 602 U.S. 680 (2024); *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004); *Wilson v. Arkansas*, 514 U.S. 927 (1995). I will faithfully follow all such binding precedent.

- a. What specific sources would you employ to discern the public’s original understanding of the meaning of a constitutional provision? Please provide three examples of sources you consider reliable in this regard.

Response: One method for interpreting the meaning of ambiguous text is to look to the context of where the text appears in the Constitution, and examine the other words of that same section or clause. One could also look to contemporary speeches or writings that use that same text, such as the Federalist Papers or the debates on the Constitution. Lastly, one could resort to using a dictionary to determine how people of that time understood that term.

20. Should you be confirmed, what would you do if a party refuses to comply with one of your orders?

Response: If I am fortunate enough to be confirmed, I would expect all parties to comply with my orders. If I believed a party failed to do so, I would enter an Order to Show Cause in order to give the offending party the opportunity to demonstrate why they failed to comply with the court order. After making findings of fact and referencing all applicable legal precedent, I would impose sanctions, if appropriate.

21. What criteria would you use to determine whether a party was engaging in abusive litigation tactics, such as excessive discovery requests, repeatedly or frivolously filing motions, or other procedural delays?

Response: I would reference all applicable legal precedent in determining what criteria to use in assessing whether a party engaged in abusive litigation tactics, and, if so, what the proper remedy would be.

- a. If you determined that a party was engaging in such tactics, how would you address it?

Response: Please see my response to Question 21.

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

Response: There are situations in which the law requires a judge to consider the practical consequences of a ruling. For example, to obtain a preliminary injunction, a litigant must show "that he is likely to suffer irreparable harm in the absence of preliminary relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

23. 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, including precedents, to the facts of a case. Injecting one's own personal life experience into a case has the potential to upset the fair and impartial adjudication of a dispute.

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

Response: A judge's role is to apply the law, including precedents, to the facts of a case. A judge's personal views or feelings should not drive the judge's substantive decision-making.

25. What case or legal matter are you most proud of having worked on during your career?

Response: I am most proud of a case that I inherited from another member of my office in which a defendant had been wrongfully indicted in a case of mistaken identity. Law enforcement worked with the defendant's investigator to locate the party actually responsible for the offense, who made a full confession.

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

Response: If confirmed, I would consult with my colleagues on their views. In general, I would favor holding argument where the decision could not be made based on the papers submitted by the parties. Requiring both sides to prepare for argument could in some situations impose unwarranted costs on a party. While it is admirable that judges should seek to give the younger generation of lawyers adequate opportunities for practical courtroom experience, the decision of whether or not to hold a hearing, like any other legal decision, should not be based on the personal characteristics of counsel for either party.

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

Response: I would seek to be involved in the local Inn of Court or another young lawyer mentoring program.

27. Discuss your proposed hiring process for law clerks.

Response: If confirmed, I am inclined to follow the procedures and timelines for clerk hiring that are used by other judges in the Southern District of Texas.

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

Response: If confirmed, I will not tolerate misconduct, harassment, or discrimination, of any sort, in my chambers. Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

28. Recently, 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: As stated above, if confirmed, I will not tolerate misconduct, harassment, or discrimination, of any sort, in my chambers. Before deciding on any particular trainings or policies, I would review the existing and available policies and programs in the Southern District of Texas and consult with my colleagues to ensure that I am following best practices and not leaving any resources underutilized.

- 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: Please see my response to Question 28(a).

- 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 consider taking whatever steps would be warranted by the circumstances, including reporting any inappropriate conduct to the appropriate authority.

29. 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 characterization of the events at the U.S. Capitol on January 6, 2021, is a subject of political and legal debate and could come before me if I am confirmed. As a result, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- a. If you think this question would require you to express an opinion on “political” matters, as some judicial nominees have responded when asked this question, please explain why labeling the events of January 6, 2021, as either “an insurrection” or “not an insurrection” requires you to opine on a “political” matter.

Response: Please see my response to Question 29.

30. In a press release published on October 6, 2025, by your U.S. Attorney’s Office in the Southern District of Texas, you said, “[t]hose who attack law enforcement officers are attacking the American system of justice. The Southern District of Texas has a zero-tolerance policy towards anyone who does so. The message is clear—comply with officer directives and keep your hands to yourself.” In another press release published on September 23, 2025, you said, “[l]et it be known: if you lay a hand on an officer, deputy, or federal agent, SDTX will do whatever it can to put you in federal prison for as long as the law will allow. You’ve been warned.”

- a. Does your view also apply to the hundreds of rioters who were convicted of or pled guilty to assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: The characterization of the events at the U.S. Capitol on January 6, 2021, is a subject of political and legal debate and could come before me if I am confirmed. As a result, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- b. If you think this question would require you to express an opinion on “political” matters, please explain why you think so, given your previous clear statements about your views on those who attack law enforcement officers.

Response: The comment you cite in Question 30 was made before I was a judicial nominee, and thus before I was subject to the Code of Conduct of U.S. Judges. Now that I am a judicial nominee, I am required to refrain from commenting on matters of political or legal debate. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- c. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned? I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

Response: Given the question explicitly calls for me to weigh in on the “prudence” of the exercise of the President’s pardon power, I must refrain from answering. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- d. 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? Again, I know that the President has the power under the Constitution to grant executive clemency relief. I want to know whether you—if serving as President on January 20, 2025—would have chosen to issue pardons to

those convicted of assaulting law enforcement officers at the Capitol on January 6, 2021.

Response: Please see my response to Question 30(c).

31. At your Senate Judiciary Committee nomination hearing, Senator Moody said, “I’m really concerned right now that the judicial branch has a PR crisis . . . because we have many district court judges around the nation that are more interested in wearing a blue jersey than a black robe. . . . Based on my fundamental belief we have to have impartial judges that will faithfully apply the laws that are given to them, I believe this . . . fundamentally disrupts the carefully balanced powers set forth in our Constitution.” She then asked you if you agreed and you replied that you did.

- a. Because you said you agreed with Senator Moody’s statement, which district court judges do you believe are “more interested in wearing a blue jersey than a black robe”?

Response: I agreed with her statement, which you cite above, that “we have to have impartial judges that will faithfully apply the law that are given to them.”

- b. What specific action(s) did each judge take to make you form that belief?

Response: Please see my response to Question 31(a).

32. The Southern District of Texas includes a significant portion of the Texas-Mexico border. You have made multiple public statements about immigration and the border. For example, in your remarks to the Federal Law Enforcement Officers Association on July 23, 2025, you said, “unfortunately, in recent years we’ve experienced a failure to enforce our nation’s immigration laws. That neglect has produced a crisis that is the most important problem facing the United States today. For the Department of Justice, and for the Southern District of Texas, addressing this crisis is priority number one.” Additionally, on September 22, 2025, the Department of Homeland Security posted on X a video of agents arresting people captioned with the slogan from Pokémon, “Gotta Catch ‘Em All.” You reposted this video from your official U.S. Attorney X account, writing, “Give their social media guy a raise.”

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

Response: No.

- b. What would you say to an individual who believes they would not get fair process from you, given your stated views on immigration?

Response: Respectfully, your premise of your question is that I have somehow expressed derogatory or otherwise negative views about “immigration.” This is

false. I am the proud son of an immigrant and have witnessed first-hand the many contributions that immigrants make to the United States. Your question does not distinguish between legal immigration and illegal immigration. The law, at Congress's direction, treats those two categories in very different ways.

In the hypothetical you describe—where the theorized litigant knows enough about me to know about my work's social media account—he or she would also know about my family's own immigrant story, and how I volunteered to deliver the keynote address at two separate naturalization ceremonies, where I welcomed 5,000 new Americans to their adopted home, and discussed my own family history. These events were also highlighted in the same media account that you referred to.

- c. At your Senate Judiciary Committee nomination hearing, you told Senator Hirono that “due process applies to everyone,” regardless of citizenship status. Do you stand by that statement?

Response: The Supreme Court has stated that “the Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- d. Do you believe that everyone in this country deserves fair adjudication of their claims, regardless of their immigration status?

Response: Please see my response to Question 32(c).

- 33. President Trump announced your nomination for this position in a Truth Social post on November 12, 2025. At the conclusion of his post, he wrote, “Nick Ganjei is an America First Fighter, who will always uphold our Constitution, enforce the Rule of Law, and Keep our now very Secure Border, Secure. Congratulations Nick!”

- a. Is keeping the U.S. border “secure” part of the role of a federal judge?

Response: I do not know what the President meant by the term “secure” in the context of that message. As a general matter, I cannot comment on the meaning or intention of any other person's social media account.

- b. If so, what would you do to keep the U.S. border “secure” if you are confirmed?

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

- c. If not, what do you think President Trump meant by his statement that you would “Keep our now very Secure Border, Secure”?

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

34. In your remarks to the Federal Law Enforcement Officers Association on July 23, 2025, you said, “the State Department has officially designated the worst cartels and transnational gangs as foreign terrorist organizations, which gives us additional tools with which to pursue them and their enablers.” You also assisted U.C. Berkeley Law Professor John Yoo—who authored the President Bush-era “torture memos”—on his book *The Powers of War and Peace: The Constitution and Foreign Affairs After 9/11*, which argues that “American presidents have had to act decisively on the world stage without a declaration of war. They are able to do so . . . because the Constitution grants the president, Congress, and the courts very different powers, requiring them to negotiate the country’s foreign policy.”

- a. Do the “additional tools” you referenced include the Trump administration’s recent military strikes on boats in the Caribbean Sea?

Response: If the question is asking whether I was referring to the recent maritime strikes in my July 23, 2025 speech, the answer is no, because my comments predated the use of such strikes.

- b. If you had to determine whether such strikes are legal under U.S. law, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: You are correct in surmising that in such a situation I would look to all applicable precedent, including both binding and persuasive authority, in deciding this issue. I would consider the cases relevant to the arguments raised in the parties’ briefs. *See United States v. Sineneng-Smith*, 590 U.S. 371, 376 (2020) (“Courts are essentially passive instruments of government. They do not, or should not, sally forth each day looking for wrongs to right. They wait for cases to come to them, and when cases arise, courts normally decide only questions presented by the parties.” (cleaned up)). Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See Code of Conduct of U.S. Judges*, Canons 3(A)(6), 5.

35. In your Senate Judiciary Questionnaire, you note that you have been a member since 2022 of the Teneo Network, an organization that exists to recruit and connect politically conservative leaders and thinkers.

- a. Do you think it is appropriate for a federal judge to be a member of such an organization?

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

- b. If you are confirmed, will you discontinue your membership in the Teneo Network?

Response: Please see my response to Question 35(a).

36. On October 24, 2024, you spoke at a 2024 EDTX Bench Bar Conference event titled, “Is Help On The Way? The *JUDGES Act* And An Update on Pending Legislation.” I was proud to help lead the *JUDGES Act*, a commonsense, bipartisan bill that would have increased the number of federal district judges to help address rising caseloads across the country and ensure that Americans have swift access to justice regardless of where they live. Keeping in mind your experiences in prosecutorial roles as well as your potential future judicial role, what benefits do you think legislation to lower caseload burdens for federal district judges would have for our legal system?

Response: The judges of the Southern District of Texas work incredibly hard and, given the nature of the district, carry higher caseloads than judges of most other districts. Beyond this observation, as a judicial nominee, the canons of judicial ethics prohibit me from endorsing specific legislative proposals.

Nomination of Nicholas Jon Ganjei
United States District Court for the Southern District of Texas
Questions for the Record
Submitted November 26, 2025

QUESTIONS FROM SENATOR BOOKER

1. In December 2014, a local Albuquerque news organization reported that, while you were serving as an Assistant U.S. Attorney in the District of New Mexico, you were arrested by Albuquerque police for driving while intoxicated, speeding, and no proof of insurance.¹ Additional reporting provides the following details about your arrest:²

A 35-year-old prosecutor with the U.S. Attorney's Office in Albuquerque was arrested early Friday and charged with driving while intoxicated.

Police say 35-year-old Nicholas Ganjei was speeding down Third Street, then turned east on Tijeras and hit a curb. Ganjei then drove over the center line near Tijeras and First Street, and an officer who was following said he was going 59 mph in a 30-mph zone. The officer pulled him over and said the driver responded slowly, according to a criminal complaint filed in Metropolitan Court. Ganjei had bloodshot, watery eyes and smelled of alcohol, according to police. He told police he hadn't drunk any alcohol that night, the complaint says, and he didn't have proof of insurance. He did poorly on field sobriety tests and his blood alcohol content was at or above 0.08 percent, the state's presumed level of intoxication, according to the complaint.

He was charged with driving while intoxicated for the first time, speeding up to 10 mph over the limit, not driving within a traffic lane and having no proof of financial responsibility. He was booked into the county jail and released the same day.

- a. Do you dispute any of the facts as provided in the report above. If so, list each fact you dispute, whether you dispute it as false or incomplete, and provide a correction for the record.

Response: In December 2014, I was charged with misdemeanor DUI, speeding, improper lane change, and not having my current insurance card in my vehicle. I contested all charges and they were ultimately dismissed in full, without any admission of guilt, diversion program, or other negative adjudication. The matter was

¹ *Asst. US Attorney arrested for DWI*, KOB 4 (Dec. 7, 2014), <https://web.archive.org/web/20150618105809/http://www.kob.com/article/stories/S3641968.shtml#.VYKkWnbP1qb>.

² Nicole Perez, *DWI charge for ABQ prosecutor; Attorney also had no proof of insurance*, ALBUQUERQUE JOURNAL (Dec. 9, 2014).

later expunged by the State of New Mexico. This information was previously disclosed to the Senate Judiciary Committee.

- b. Were you intoxicated when you were arrested?

Response: Please see my answer to Question 1(a).

- c. What crimes were you charged with?

Response: Please see my answer to Question 1(a).

- d. What was the disposition of the charges against you?

Response: Please see my answer to Question 1(a).

- e. Did you make an admission of guilt as to any of the charges?

Response: Please see my answer to Question 1(a).

- f. Did anyone from the U.S. Attorney's Office for the District of New Mexico or other component of the Department of Justice intervene in your case or have any contact with the Albuquerque Police Department or the Bernalillo County District Attorney regarding your arrest or the charges against you? Identify any such individuals and the nature of the communications, including whether they sought to have the charges against you dismissed.

Response: No.

- g. Did you complete any community service or attend counseling or treatment as part of the resolution of the charges against you? If yes, describe.

Response: No.

- i. Have you ever sought counseling or treatment for alcohol or other substance addiction? If yes, provide the dates and the circumstances surrounding the counseling or treatment.

Response: No.

2. In August 2025, you announced that the U.S. Attorney's Office for the Southern District of Texas "Operation Pick-Off" had arrested 65 individuals, stating that "These are convicted

criminals. Some many times over.”³ The special agent in charge of the San Antonio Field Office noted that nearly half of those arrested had been previously convicted of “serious, violent felonies,” including for “DUI or DWI.”⁴

- a. Is it your view that anyone arrested solely for a DUI or DWI is a “criminal”? Explain why or why not.

Response: As a long-time federal prosecutor, I believe strongly in due process and the presumption of innocence. As such, I would generally reserve the term “criminal” for a person adjudged guilty of a criminal offense.

3. 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.”⁵

- 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: I am aware of criticisms that have been levied against the nominee ratings of the ABA’s Standing Committee on the Federal Judiciary. As a judicial nominee, under the judicial canons it would be inappropriate for me to express an opinion on the statements of any political figure or to comment on any political and policy issue.

4. If this Committee were to establish that a sitting federal judge knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: I would defer to this Committee as to the appropriate remedy in such a situation.

³ Press Release, “Operation Pick-Off” results in nearly 80 criminal alien arrests throughout the Rio Grande Valley,” U.S. ATTORNEY’S OFFICE, SOUTHERN DISTRICT OF TEXAS (Aug. 25, 2025), <https://www.justice.gov/usao-sdtx/pr/operation-pick-results-nearly-80-criminal-alien-arrests-throughout-rio-grande-valley>.

⁴ Dave Hendricks, *Feds discuss new immigration enforcement initiative*, VALLEY CENTRAL (Aug. 25, 2025), <https://www.valleycentral.com/news/local-news/watch-live-feds-discuss-new-immigration-enforcement-initiative/>.

⁵ 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>.

5. If this Committee were to establish that a political appointee knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: I would defer to this Committee as to the appropriate remedy in such a situation.

6. How would you characterize your judicial philosophy?

Response: My judicial philosophy is that judges should apply the law as written to the case before them without fear, favor, or partiality.

7. What do you understand originalism to mean?

Response: Generally speaking, I understand originalism to be a methodology for interpreting a constitutional provision whereby the judge will examine the original public meaning of the text at the time it was enacted.

8. Do you consider yourself an originalist?

Response: I generally eschew labels, as they can often mean different things to different people, however, I generally agree that the role of the judge when interpreting a constitutional provision is to look to the original public meaning of the provision, as evidenced by the text at issue and how that text would have been understood by a reasonable person at the time it was enacted. If I am confirmed, to interpret the Constitution I would employ methodologies consistent with the methods of interpretation utilized by the Supreme Court for similar legal questions. The Supreme Court has routinely interpreted various constitutional provisions by striving to discern the original meaning of the words used as a reasonable person would have understood them at the time of the Founding. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008).

9. What do you understand textualism to mean?

Response: I understand textualism to be a methodology that requires the judge to interpret the text as it was written and understood at the time of its enactment.

10. Do you consider yourself a textualist?

Response: While I generally eschew labels, as they can mean different things to different people, I generally agree that a judge should look to the text as it was written and understood at the time of its enactment to discern its meaning. If I am confirmed, to conduct statutory interpretation I would employ methodologies consistent with the methods of interpretation utilized by the Supreme Court for similar legal questions. Moreover, if confirmed to serve as a district court judge, if there is binding precedent regarding what a statute means or how it is to be interpreted, I would apply all binding precedent, including on issues of how to interpret particular statutes.

11. 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 Fifth Circuit Court of Appeals.

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

Response: Please see my response to Question 11(a).

12. 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.⁶

- a. What do you attribute this to?

Response: I am unfamiliar with the study you describe, and I am not positioned to offer a causative explanation for the statistic that this question concerns.

13. 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.⁷

- a. What do you attribute this to?

Response: I am unfamiliar with the report you describe, and I am not positioned to offer a causative explanation for the statistic that this question concerns.

14. 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?

⁶ Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

⁷ 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.

Response: 18 U.S.C. § 3553(a)(6) directs sentencing judges to consider “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” As a federal judge, I would apply this statute when making sentencing determinations.

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

Response: No one should be denied the opportunity to serve in the judicial branch—either as a judge, law clerk, or other position—based on their race, sex, ethnicity, religion, or other protected characteristic.

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

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

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

Response: To the best of my knowledge, my Senate Judiciary Questionnaire, as supplemented in my November 18, 2025 letter to Chairman Grassley and Ranking Member Durbin, discloses all my responsive published writings and public statements. To discern which topics my published writings and public statements have addressed, I would consult my as-supplemented Questionnaire and the materials that I provided to the Committee.

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

Response: In most instances, unless a stay is granted, all parties must obey federal court orders unless and until the court's order is vacated or reversed by an appellate court. However, there are some potential exceptions to this general rule. For instance, a court may lack jurisdiction to issue the order. *See In re Sawyer*, 124 U.S. 200, 220 (1888) ("Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void.") (citations omitted). A party's noncompliance may also be excused if it is impossible for the party to comply with the court's order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) ("[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order." (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948))). The Supreme Court has also recognized that, in some circumstances, it may be necessary for a party to defy a court order to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.... Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information.").

- 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: I would assess whether the official failed to comply with the order and, if so, whether the official had a valid defense to non-compliance, giving the parties notice and opportunity to be heard on the matter.

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

Response: Please see my responses to Questions 17 and 17(a).

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

Response: In Article I, § 7, Cl. 2, the Constitution vests the President with the authority to veto legislation passed by Congress. Moreover, "[u]nder 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)). The Constitution, in Article II, § 3, also requires the President to "take Care that the Laws be faithfully executed." How these constitutional powers and authorities interact is a matter of ongoing dispute. If I were to be confirmed, this issue could come before me as a judge. Therefore, under the judicial canons, it would be inappropriate for me comment further.

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

Response: I am aware of the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.* To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

20. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: I am aware of the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.* To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

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

Response: The Supremacy Clause provides: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." As the Supreme Court has held, "this Clause creates a rule of decision: Courts 'shall' regard the 'Constitution,' and all laws 'made in Pursuance thereof,' as 'the supreme Law of the Land.' They must not give effect to state laws that conflict with federal laws." *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324 (2015).

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

Response: The Supreme Court has held that Fifth Amendment's "Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). In any case, there will still remain a question of what "process" is "due." To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

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

Response: The Supreme Court recently reaffirmed that while “[l]egislative power ... belongs to the legislative branch, and to no other, ... Congress may seek assistance from its coordinate branches to secure the effect intended by its acts of legislation. And in particular, Congress may vest discretion in executive agencies to implement and apply the laws it has enacted—for example, by deciding on the details of their execution.” *FCC v. Consumers’ Rsch.*, 145 S. Ct. 2482, 2496-97 (2025) (cleaned up). For a delegation to be permissible, Congress must “set out an ‘intelligible principle’ to guide what it has given the agency to do.” *Id.* at 2497.

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

Response: Yes. *Brown v. Board of Education* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided, numerous nominees have made an exception and offered their views that *Brown* and *Loving v. Virginia* were correctly decided. In line with that practice, I believe it appropriate for me to offer my view that *Brown* and *Loving* were correctly decided.

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

Response: Yes, *Griswold v. Connecticut* is a binding precedent of the Supreme Court. The case concerned individuals who prescribed contraceptives to married persons and were convicted and fined under a state statute that prohibited assisting or abetting another’s use of contraceptives. 381 U.S. at 480. The Court held “that appellants have standing to raise the constitutional rights of the married people with whom they had a professional relationship.” *Id.* at 481. The Court further held that the statute regulated conduct “within the zone of privacy created by several fundamental constitutional guarantees” and violated a “right to privacy” that the Court interpreted to be within the Constitution. 381 U.S. at 485-86.

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

Response: Yes, *Lawrence v. Texas* is a binding precedent of the Supreme Court. In *Lawrence*, the Court held that laws criminalizing certain same-sex sexual intimacy violated “[t]heir right to liberty under the Due Process Clause,” which “gives them the full right to engage in their conduct without intervention of the government.” 539 U.S. 558, 578 (2003).

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

Response: Yes, *Obergefell v. Hodges* is a binding precedent of the Supreme Court. In *Obergefell*, the Supreme Court stated that it “holds same-sex couples may exercise the fundamental right to marry in all States” and “hold[s] ... that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character.” 576 U.S. 644, 681 (2015).

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

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent you are asking about disputes or political statements regarding the conduct of the 2020 presidential election, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: Please see my response to Question 28.

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

Response: Please see my response to Question 28.

29. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”⁸

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

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

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

Response: Please see my response to Question 29(a).

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

Response: Donald John Trump was certified as the winner of the 2024 presidential election and is serving as the 47th President of the United States.

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

Response: Please see my response to Question 29(c).

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

⁸ U.S. CONST. amend. XXII.

Response: The Twenty-Second Amendment to the Constitution states that “[n]o person shall be elected to the office of the President more than twice.”

30. 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: My answer to any question posed to me by a member of this Committee, either verbally or in writing, is my own.

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

Response: No.

32. 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: I attended a social event in June of 2025 in which a member of DOGE staff was present. We exchanged pleasantries and spoke for one to two minutes.

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

No.

34. 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: As a United States Attorney, there were a handful of occasions where I needed to speak to the Attorney General’s Chief of Staff. I do not recall the specific dates, but the subject matter concerned work-related matters.

35. 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: As a United States Attorney, I have had the occasion to meet with the Attorney General in a professional setting. Although I do not recall all of the occasions or all of the dates, I know that we jointly held a press conference in September of this year. I also sat in on a meeting with her and Senator Cruz in advance of her confirmation hearing in January of this year.

36. 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: During a social visit to a former colleague at Main Justice this year, I had the opportunity to be introduced to Deputy Attorney Blanche and then-Principal Deputy Associate Attorney General Emil Bove and chat for a few minutes. I do not recall the exact date. I also sat in on a January 2025 meeting with Mr. Blanche and Senator Cruz in advance of his confirmation hearing.

37. 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: During a social visit to a former colleague at Main Justice this year, I had the opportunity to be introduced to Deputy Attorney Blanche and then-Principal Deputy Associate Attorney General Emil Bove and chat for a few minutes. I do not recall the exact date. Judge Bove was also kind enough to reach out and congratulate me on my judicial nomination in November of this year.

38. 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: I do not believe I have ever spoken to Mr. Leo.

39. 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.

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

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

Response: No, not to my knowledge.

41. 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, not to my knowledge.

42. 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: If confirmed, I will abide by all rules, law, and judicial ethical canons that apply to financial disclosure reports.

43. In your Senate Judiciary Questionnaire, you reported that you have been a member of Teneo since 2022.

- a. What is Teneo?

Response: Teneo is a networking group of conservative and conservative-leaning professionals from a variety of fields.

- b. What is Teneo's mission?

Response: I am not aware of any particular mission statement that Teneo has adopted.

- c. How did you become a member of Teneo?

Response: I was nominated for admission by a member of Teneo, and then conducted a short interview with a different member of Teneo. My understanding is that there was some sort of vote after that, which I presumably passed, as I was offered membership some time thereafter.

- d. Have you recruited others to join Teneo? If yes, provide the names of those individuals.

Response: Potential members are not "recruited," rather they are nominated by other members. I have successfully nominated one member, Sam Schneider.

- e. Provide a list of all events you have attended as a member of Teneo. Provide dates and locations for all events listed and describe the purpose of the event.

Response: I believe I attended a total of four events over the course of my membership in Teneo. I attended one dinner in 2025 in Houston, Texas, one dinner in Arlington, Virginia in 2022, a retreat in 2023 in Arizona, and a retreat in 2022 in Georgia.

- f. Have you (or, if applicable, your spouse) made financial contributions to Teneo? If yes, provide the amounts and dates of such contributions.

Response: I believe I have made a donation of \$500 each year that I have been a member.

44. 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.”⁹

- a. Do you agree with the above statement?

Response: I am not familiar with the above statement or the context in which it was made. I can say that I do not believe Democrats are evil.

- 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, not to my knowledge.

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

Response: Although I do not know all persons “associated” with A3P, I have known Mr. Davis in a professional capacity for several years and we have periodic contact.

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

Response: Please see my response to Question 44(c).

45. 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: The decision as to which cases to list on my SJQ were my decision alone.

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

⁹ <https://www.article3project.org/about>

Response: Please see my response to Question 45.

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

Response: No.

- 46. 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: As stated above, I do not know the full universe of persons associated with the Article III Project, but my answer to this question is, to the best of my knowledge, no.

- 47. 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: I do not know the full universe of persons associated with the Federalist Society, as I understand there are thousands of members, but it would be a safe assumption that I communicated with members of the Federalist Society during my application process. Almost the entirety of these conversations would have been social in nature, with some conversations with staff for the Texas senators concerning the selection process.

- 48. 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 prepared these responses on my own, and consulted my records, case law, statutory provisions, the Constitution, and previous Questions for the Record submissions in doing so. After receiving feedback from persons at the Office of Legal Policy at the U.S. Department of Justice, I finalized my answers and authorized them to be submitted to the Senate Judiciary Committee.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Nicholas Ganjei
Hearing on “Nominations”
Wednesday, November 19, 2025

1. According to your Senate Judiciary Questionnaire, you received a fellowship as a Lincoln Fellow at the Claremont Institute in 2019. Please describe why you applied to this fellowship, the nature of your work in this fellowship, and the extent of your affiliation with the Claremont Institute.

Response: I decided to pursue a Lincoln Fellowship at the Claremont Institute because of the program's emphasis on the life and work of Abraham Lincoln, its study of the American Founding, and its inclusion of political theory, an academic field that I had not previously studied. Since my fellowship, I have occasionally attended annual alumni events.

2. According to your Senate Judiciary Questionnaire, you received a fellowship as a James Madison Fellow at Hillsdale College in 2022. Please describe why you applied to this fellowship, the nature of your work in this fellowship, and the extent of your affiliation with Hillsdale College.

Response: I chose to pursue a Madison Fellowship in part, because of the reputation of the school's faculty, but also for the opportunity to meet and socialize with other staffers from Capitol Hill. Since my fellowship, I enrolled in Hillsdale College's graduate program, seeking a Master of Arts in Government.

3. According to your Senate Judiciary Questionnaire, you received a fellowship as a American Conservatism and Governing Fellow at the Manhattan Institute in 2024. Please describe why you applied to this fellowship, the nature of your work in this fellowship, and the extent of your affiliation with the Manhattan Institute.

Response: I chose to pursue the above fellowship to deepen my understanding of the intellectual underpinnings of conservative thought. I have not had any affiliation with the Manhattan Institute since that time.