Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Brian Charles Lea
Nominee to be U.S. District Judge for the Western District of Tennessee
December 29, 2025

1. You have worked for the Justice Department since February. In your Questionnaire, you wrote that you work particularly closely with the Environment and Natural Resources Division (ENRD). According to public reporting, the number of attorneys in ENRD's Environmental Defense Section dropped from 120 in February 2025 to fewer than 70 by October. DOJ's budget request for Fiscal Year 2026 includes a reduction of more than $20 million in the ENRD budget. It also seeks a 31 percent reduction in division staff, from 641 to 449. That reduction would include 79 attorneys.

a. Do you support the Administration's proposal to gut ENRD's budget and staff?

Response: These questions ask for an opinion on a fundamentally political controversy concerning the optimal allocation of necessarily limited public funds. As a judicial nominee, it would be inappropriate for me to opine on such matters. Moreover, as an employee of the Department of Justice, I will defer to the Department of Justice's budget request.

b. How does the Trump Administration's plan to reduce ENRD's budget and workforce do anything to help protect our health and environment?

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

2. During your time in private practice at Jones Day, your firm represented R.J. Reynolds Tobacco Company in a Florida case, *Philip Morris USA, Inc. v. Rintoul*.[1]

a. Please describe your role, if any, in the *Philip Morris USA, Inc. v. Rintoul* litigation.

Response: As discussed in the Senate Judiciary Questionnaire, I was asked to step into this case to represent R.J. Reynolds Tobacco Company on appeal from a plaintiff's judgment. For a detailed description of the case and my role, please see the response to Question 17(6) of the Senate Judiciary Questionnaire.

b. Please provide citations to any briefs, motions, or other filings related to *Philip Morris USA, Inc. v. Rintoul* to which you contributed, including any filings which you helped draft but on which your name does not appear. If you cannot provide a citation to a filing, please provide a copy of the filing.

[1] *See Philip Morris USA, Inc. v. Rintoul*, 342 So. 3d 656 (Fla. Dist. Ct. App. 2022), *review granted, decision quashed,* No. SC2022-1038, 2024 WL 3735894 (Fla. Aug. 9, 2024).

Response: I oversaw preparation of the briefs available here: 2021 WL 1601786, 2022 WL 1286250, and a85dd397-8074-4331-a666-d13d0534446b. Several additional briefs are attached as Appendix A to these Questions for the Record.

3. In your Questionnaire, you wrote that you were admitted to the Tennessee bar in 2025.

a. In which month were you admitted to the Tennessee bar?

Response: I began the process of applying to the Tennessee Bar in July 2024, leading to formal submission of application materials in November 2024 and admission in June 2025. I applied to the Tennessee Bar because I recognized the thriving and vibrant economy and legal market in my home State and wanted the ability to more freely practice there as part of my national practice.

b. When did you apply to join the Tennessee bar?

Response: Please see my answer to Question 3(a).

c. Why did you apply to the Tennessee bar?

Response: Please see my answer to Question 3(a).

d. Have you ever practiced in Tennessee?

Response: I have enjoyed a national practice, successfully representing clients in courts across the country—whether federal, state, or territorial—without being limited to any one court or locale. As part of that national practice, I have overseen the preparation of filings for use in Tennessee litigation. At the time I left my firm partnership to enter public service, those filings had not yet occurred and my firm had not yet entered an appearance in the litigation.

4. According to public records, on January 6, 2022, you donated $2,000 to Georgia Governor Brian Kemp. Governor Kemp and Georgia Secretary of State Brad Raffensperger certified President Biden's victory in Georgia in the 2020 election. President Trump has criticized Governor Kemp for not helping his efforts to overturn the 2020 election and called Governor Kemp "a disloyal guy."

a. Why did you make a contribution to Governor Kemp exactly one year after the January 6, 2021, attack on the Capitol?

Response: I donated to Governor Kemp on two occasions during the first half of 2022, and I did so because I preferred his policies to those of the other major candidate, who had announced her candidacy at the end of 2021. That one of the donations occurred on January 6, 2022, is a coincidence; indeed, I was unaware of that fact until you raised it in this question.

b. Did Governor Kemp's certification of the 2020 election results correctly acknowledge that President Trump lost Georgia in the 2020 election?

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee.

5. Did President Trump lose the 2020 election?

Response: Please see my answer to Question 4(b) above.

6. Where were you on January 6, 2021?

Response: I believe I was working in Atlanta, Georgia on that date.

7. Do you denounce the January 6 insurrection?

Response: The characterization of the events at the Capitol on January 6, 2021, is a topic of political and legal debate and controversy. Whether those events were an "insurrection" has significance for application of Section 3 of the Fourteenth Amendment, an issue that has already spawned litigation and the enforcement of which is at least partially entrusted to Congress as a political branch. *See Trump v. Anderson*, 601 US. 100 (2024). In addition, the legal effect of pardons related to the events at the Capitol on January 6 is subject to ongoing litigation and could arise in matters pending before me if confirmed, and persons who were present at the Capitol on January 6 could appear before me as parties. More broadly, I am aware of general disputes in the public and media concerning how to describe the events of January 6. For these reasons, as a judicial nominee, it would be inappropriate for me to address this issue.

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: The Constitution vests the President with the pardon power. As a judicial nominee, it would be inappropriate for me to comment on the prudence of a separate, coequal, and political branch of government's exercise of its powers, divorced from any case or controversy pending before me. Moreover, the legal effect of pardons related to the events at the Capitol on January 6 is subject to ongoing litigation and could arise in matters pending before me if confirmed, and persons who were present at the Capitol on January 6 could appear before me as parties.

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

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

Response: As a general matter, a party bound by a court order must follow the order and seek reconsideration or appellate review if it disagrees with the order. The party may also seek to stay the order pending further review.

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

Response: As noted, if a party disagrees with an order, she may request a stay and move for reconsideration or seek appellate review in the hope of obtaining vacatur or reversal. But a party bound by a court order generally must follow the order until it is vacated or reversed.

Scholars and courts have identified potential exceptions. One oft-cited exception might arise where the court that issued the order lacked jurisdiction. *See* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008) ("A court without jurisdiction over the parties and the subject matter could not bind them to judgment, right or wrong."). And impossibility of compliance might excuse noncompliance with a court order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) (vacating civil contempt orders requiring imprisonment because the contemnors could no longer comply with the underlying order). Others have identified other narrow, circumstance-specific defenses that might apply to contempt proceedings. *See* Heidi Kocher, 79 Geo. L. J. 1019, 1025 & n.1869 (1991). Finally, the Supreme Court has observed that a party who desires to immediately appeal an interlocutory order might exercise the "long-recognized option" of "defy[ing] … [the] order and incur[ring] court-imposed sanctions" in order to create an avenue to appeal. *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

Because I could be presented with these issues if confirmed to the bench, it would be inappropriate for me to prejudge whether it would be legally permissible for a party to violate a court order in various specific circumstances. If confirmed, I would resolve these sorts of issues through careful consideration of the circumstances and the parties' arguments and faithful adherence to all governing law and precedents.

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

Response: Every branch of the federal government is obligated to follow the Constitution. If the Supreme Court issues an order upon the conclusion of appellate proceedings, that order is to be followed. If the order relates to the interpretation of a statute with which a party disagrees, the party might seek legislative amendment of the statute. If the order applies the constitution, a party, Congress, or a state legislature might push for a constitutional amendment or a statute imposing the rule that it believes should have been applied. Congress also has legislative power to shape the judicial branch's jurisdiction and authority related to the issuance of orders. And there is a history of executive officials who believe a court order is unlawful following the court order as to that particular litigant, but refusing to apply the reasoning of the court order to other potential litigants.

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

a. Are non-party injunctions constitutional?

Response: The Supreme Court held in *Trump v. CASA*, 145 S. Ct. 2540, 2550 (2025), that "[a] universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power. Under *CASA*, injunctive relief can at most grant complete relief to the parties before the court. Because the Supreme Court resolved the case on statutory grounds, it did not address whether or to what extent non-party injunctions are constitutional. If I were confirmed and this issue came before me, I would apply relevant binding precedent. As a judicial nominee, I cannot further opine on this matter that could come before me as a judge.

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

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

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

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

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

Response: I do not recall having done 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: The Twenty-Second Amendment provides: "No 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 what elected President shall be elected to the office of the President more than once." To the extent this question seeks an opinion on a broader political or policy debate, or on statements by any political figure, my response, consistent with the responses of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee.

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…"[2]

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

Responses: All federal judges must abide by the legal limits on their authority, including constitutional, statutory, and equitable limits. If confirmed, I would abide by those limits. Consistent with the Code of Conduct for United States Judges and the positions of prior nominees, it would be inappropriate for me, as a judicial nominee, to comment further on the statements of any political figure or on any matter of political controversy or ongoing litigation.

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

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

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"[3] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[4]

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[2] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), https://truthsocial.com/@realDonaldTrump/posts/114573871728757682.
[3] Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), https://x.com/StephenM/status/1927874604531409314.
[4] Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), https://x.com/StephenM/status/1928065122657845516.

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

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

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

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

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

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

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

Response: Lower courts should not depart from Supreme Court precedent. *See Agostini v. Felton*, 521 U.S. 203, 237 (1997) ("[I]f a precedent of this Court has direct application in a case," lower courts "should follow the case which directly controls, leaving top this Court the prerogative of overruling its own decisions.").

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

Response: In the Sixth Circuit, "a three-judge panel may not overturn a prior decision unless a Supreme Court decision mandates modification of [the circuit] precedent." *RLR Invs., LLC v. City of Pigeon Force, Tennessee*, 4 F.4th 380, 390 (6th Cir. 2021). The Sixth Circuit will otherwise consider overruling its own precedent only when sitting en banc. Rule 40 of the Federal Rules of Appellate Procedure and 6 Cir. IOP 40 provide relevant considerations. As a nominee for the district court, it would be inappropriate for me to opine on when the Sixth Circuit should overturn its precedent. If confirmed, I will faithfully apply all binding precedent from the Supreme Court and the Sixth Circuit.

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

Response: In deciding whether to overrule its own precedent, the Supreme Court applies various stare decisis factors set forth in its decisions. *See, e.g.*, *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 268-70 (2022); *Janus v. AFSCME, Council 31*, 585 U.S. 878, 916-29 (2018). As a nominee for the district court, it would be inappropriate for me to opine on when the Supreme Court should overturn its precedent. If confirmed, I will faithfully apply all binding precedent from the Supreme Court and the Sixth Circuit.

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

Response: Consistent with the approach articulated and applied by many prior nominees including Justice Kagan and Justice Jackson, under the Code of Conduct for United States Judges, it is generally inappropriate for a judicial nominee to opine as to the correctness or incorrectness of particular Supreme Court decisions. If confirmed, I would faithfully follow all binding precedent of the Supreme Court and the Sixth Circuit.

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

Response: Yes, *Brown* was correctly decided. While judicial nominees generally may not opine concerning whether earlier decisions were correctly decided, many nominees have recognized *Brown* to be one of a very few exceptions to that general principal. I agree with prior nominees that *Brown* is a foundational precedent the underlying premise of which—that "separate but equal is inherently unequal" and thus violative of the Constitution—is beyond dispute, such that judges and nominees can express approval of that precedent without calling into question their ability to faithfully and impartially apply the law to other cases involving similar issues. I therefore can confirm that *Brown* was correctly decided.

b. ***Plyler v. Doe***

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

c. ***Loving v. Virginia***

Response: Yes. Consistent with the practice of past nominees under the Code of Conduct for United States Judges, *Loving* is a foundational precedent the underlying premise of which—a reaffirmation of *Brown*'s rejection of "separate but equal"—is beyond dispute, such that judges and nominees can express approval of that precedent without calling into question their ability to faithfully and impartially apply the law to other cases involving similar issues. I therefore can confirm that *Loving* is correctly decided.

d. ***Griswold v. Connecticut***

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

e. ***Trump v. United States***

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

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

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

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

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

h. ***Obergefell v. Hodges***

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

i. ***Bostock v. Clayton County***

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

j. ***Masterpiece Cakeshop v. Colorado***

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

k. ***303 Creative LLC v. Elenis***

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

l. ***United States v. Rahimi***

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

m. ***Loper Bright Enterprises v. Raimondo***

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

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

Response: In the abstract and as a general matter, I believe a judge should look to the original public understanding of a constitutional provision when interpreting that

provision. The Supreme Court often has interpreted constitutional provisions according to their original public meaning. *See, e.g.*, *District of Columbia v. Heller*, 554 U.S. 570 (2008). But there are cases in which the Court has not done so. If confirmed to serve as a district court judge, I would faithfully follow all binding precedents, whether or not those precedents were decided based on an originalist methodology.

20. How do you decide when the Constitution's "original meaning" should be controlling?

Response: Please see my answer to Question 19 above.

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

Response: The Supreme Court held in *Obergefell* held that the Constitution provides a right to same-sex marriage on the same terms and conditions as opposite-sex marriage. If confirmed I would faithfully apply that binding precedent. Please see my answer to Question 18 above.

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

Response: Yes. Please see my answer to Question 18(c) above.

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

Response: Speaking generally, under Supreme Court precedent, subject to narrow exception, the Equal Protection Clause prohibits States from classifying persons on the basis of suspect characteristics (such as race) or with respect to certain fundamental rights. *See, e.g.*, *Students for Fair Admission, Inc. v. President and Fellow of Harvard College*, 600 U.S. 181 (2023). When neither of those two circumstances is present, the Equal Protection Clause prohibits States from classifying persons in irrational ways—i.e., in a way that cannot satisfy rational basis review. *See Armour v. City of Indianapolis*, 566 U.S. 673 (2012).

The Supreme Court has held that the Due Process Clause of the Fourteenth Amendment contains two components. First, it guarantees a certain baseline level of procedure, with that baseline varying based on the context in which the procedural due process claim is asserted. *See, e.g.*, *Mathews v. Eldridge*, 424 U.S. 319 (1976). Second, the Supreme Court has held that the Due Process Clause also protects certain substantive rights from infringement by the States. *See, e.g.*, *Meyer v. Nebraska*, 262 U.S. 390 (1923).

If confirmed, I would faithfully apply these binding precedents and all other binding precedents.

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 held that the Fourteenth Amendment prohibits discrimination based on sex and sexual orientation. *See, e.g.*, *United States v. Virginia*, 518 U.S. 515 (1996); *Romer v. Evans*, 517 U.S. 620 (1996). If confirmed, I would faithfully follow those and all other binding precedents of the Supreme Court. Other matters falling within the scope of this question present open legal questions that could come before me if confirmed, and that are in fact the subject of ongoing litigation, and it therefore would be improper for me as a judicial nominee to comment further.

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 answer to Question 19 above.

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 answer to Question 19 above.

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

Response: The First Amendment provides, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom or speech, or of the press; or the right of the people peaceably to assembly, and to petition the Government for redress of grievances." The U.S. Supreme Court has held that First Amendment protections generally apply to individuals, *McIntyre v. Ohio Elecs. Comm'n*, 514 U.S. 334 (1995), and corporations, *Citizens United v. Fed. Elec. Comm'n*, 558 U.S. 310 (2010). However, under Supreme Court precedent, the First Amendment can sometimes apply differently to different sorts of speakers or in different sorts of situations. *See Brown v. Glines*, 444 U.S. 348 (1980) (military context); *Ginsberg v. New York*, 390 U.S. 629 (1968) (children). I would faithfully apply these binding precedents and all other binding precedents if confirmed. To the extent this question asks about hypothetical cases presenting issues that could come before me if confirmed, or ongoing litigation, it would be improper for me as a judicial nominee to comment further.

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: A law is content-neutral if it can be "justified without reference to the content of the regulated speech." *Reed v. Town of Gilbert*, 576 U.S. 155, 166 (2015). A regulation "is facially content based under the First Amendment if it … applies to particular speech because of the topic discussed or the idea or message expressed." *City of Austin, Texas v. Reagan Nat'l Advertising of Austin, LLC*, 596 U.S. 61, 69 (2022). To tell the difference,

the Supreme Court has instructed lower courts to look to whether the law "draws distinctions based on the message a speaker conveys," such as distinguishing based on "particular subject matter" or by "function or purpose." *Reed*, 576 U.S. at 163. And even "a facially content-neutral law is nonetheless treated as a content-based regulation of speech if it cannot be justified without reference to the content of the regulated speech or was adopted by the government because of disagreement with the message the speech conveys." *TikTok Inc. v. Garland*, 604 U.S. 56, 70 (2025). If confirmed I would faithfully follow these binding precedents and all other binding precedents.

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

Response: True threats are a "historically unprotected category of communications" consisting of "serious expressions conveying that a speaker means to commit an act of unlawful violence." *Counterman v. Colorado*, 600 U.S. 66, 74 (2023). If confirmed I would follow this binding precedent and all other binding precedents.

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, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). There are many precedents addressing the follow-on question of what process is due in particular contexts. If confirmed, I would faithfully apply all binding precedent in addressing due process claims. To the extent this question asks me to opine on current political or legal disputes, as a judicial nominee it would be inappropriate for me to comment further.

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

Response: This question implicates an ongoing political and legal dispute. As a judicial nominee, it would be improper for me to comment on that dispute, which might one day come before me if confirmed.

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: As a judicial nominee and current employee of the Department of Justice, it would be improper for me to opine on this question, which implicates ongoing litigation involving the Department of Justice.

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

Response: As a judicial nominee and current employee of the Department of Justice, it would be improper for me to opine on this question, which implicates ongoing litigation involving the Department of Justice.

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

Response: Yes, no one should be excluded from the opportunity to serve in the judicial branch based on protected characteristics such as race, ethnicity, sex, or religion. To exclude candidates from public service based on such characteristics would be unfair to those candidates, and it would harm the judicial branch and the public by precluding talented candidates from public service. In addition, it is valuable for the federal bench to benefit from a wide variety of professional experiences.

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: If confirmed, I would be obligated to faithfully and impartially interpret and apply the First Step Act, and any relevant binding precedent, just as with any other statutory or constitutional provision.

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

Response: Yes. I will faithfully apply all applicable laws governing sentencing, including 18 U.S.C. § 3553.

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 a member of the Federalist Society. What is your understanding of "traditional values"?

Response: I am unfamiliar with this statement and its context, and do not know what the author meant by "traditional values."

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.[5]

Response: As a pending judicial nominee, it is inappropriate for me to comment on others' public statements.

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

Response: Please see my answer to Question 35(b) above.

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

Response: Please see my answer to Question 35(b) above.

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

Response: If confirmed, I plan to remain affiliated to the extent that and so long as doing so is consistent with any obligations under judicial ethics and conflict of interest rules.

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: The Federalist Society is a large organization, and I have friends and colleagues who are members. I would likely have shared some information about the selection process with them, as I did with many friends and colleagues. But I did not correspond with individuals associated with the Federalist Society as part

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

of the selection process preceding my nomination; nor did I correspond with Mr. Leo or Mr. Calabresi during that period.

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 detailed in response to Question 12(d) of my Senate Judiciary Questionnaire, in September 2025 I spoke on a panel concerning the Department of Justice at a Federalist Society event in Nashville. I also recall at some point declining an invitation to participate on a panel concerning the history of the jury trial right; I have no further recollection or information concerning this request.

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

Response: Not to my knowledge.

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

Response: No.

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

Response: No.

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: Not to my knowledge.

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

Response: No.

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

Response: No.

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

Response: No.

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: I met Richard Lawson when he was working in the Office of the Associate Attorney General at the Department of Justice. He has now joined AFPI. We communicated regularly during the period encompassing the selection process leading up to my nomination, with some of those communications being unofficial communications unrelated to our work at the Department. On occasion, those unofficial conversations included high level discussion about the status of the selection process, as part of more general small talk or personal updates..

Otherwise, not to my knowledge.

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

Response: No.

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

Response: No.

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 met Mr. Hamilton around two years ago, and we have stayed in touch. During the selection process prior to my nomination, we occasionally discussed at a general level the status of the selection process. We also exchanged official communications concerning ongoing litigation, during the period in which Mr. Hamilton was employed by the government.

I did communicate with Mr. Miller during the selection process prior to my nomination, but never concerning the selection process. I did not have any unofficial communications with Mr. Miller.

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

Response: No.

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

Response: No.

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: Not to my knowledge.

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

Response: No.

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

Response: No.

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: Not to my knowledge.

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

Response: No..

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

Response: No.

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: Not to my knowledge.

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

Response: No.

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

Response: No.

d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85

Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.

Response: I am unaware of whether outside groups or special interests might be making donations in support of my confirmation. If I am confirmed, any public advocacy for or against my confirmation will be irrelevant to my decision-making as a judge.

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

Response: I believe that avoiding both the appearance of impartiality and actual impartiality is important in maintaining public confidence in our system of justice. If confirmed, I will address all actual pr potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances. To the extent that this question is addressed to whether I think such donations should be made public as a policy matter, it would be inappropriate for me to opine on that policy question as a judicial nominee.

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

Response: Please see my answers to Questions 42(d) and 42(e).

Nomination of Brian Lea to the
United States District Court for the Western District of Tennessee
Questions for the Record
Submitted December 29, 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: I agree that the Senate Judiciary Committee has been entrusted with the "responsib[ility]" of carrying out "the initial stages of the confirmation process of all judicial nominations for the federal judiciary." https://www.judiciary.senate.gov/about/committee; *see* Standing Rules of the Senate, Rule XXV(m). I also agree that, in carrying out that important responsibility and determining whether to favorably report a nomination to the full Senate, the Committee asks questions on the record, including at a hearing and via questions for the record following a hearing.

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: I believe that I have a responsibility to give full and complete answers to the Committee's questions to the best of my ability and in good faith, consistent with my professional duties as an attorney, the Code of Conduct for United States Judges, and any other laws or rules that limit the matters on which I may opine or the responses that I may provide.

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: I prepared draft responses to these questions, in the process consulting my records, case law, statutes, the constitution, and other nominees' responses to similar questions. After receiving feedback from colleagues at the U.S. Department of Justice, I finalized my answers and submitted them to the Senate Judiciary Committee.

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: It seems acceptable for candidates to use the same words to answer the same question, so long as those words reflect both candidates' views as to the proper response to that question.

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: To the best of my knowledge, my short answers to Questions 4 and 13(c) of your questions for the record are exact duplicates of answers provided by previous nominees. Because many of your questions for the record have been answered by other nominees and I have reviewed some other nominees' answers, it is possible that other answers duplicate answers of prior nominees, but I am not aware of that being the case.

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 been fortunate to observe, practice with, and practice opposite many attorneys who modeled ethical behavior, zealously advocating for their clients (or the government, for public servants) while staying within the bounds of the law and the rules of professional ethics that govern the legal profession. The profession can sometimes place disproportionate focus on the zealous advocacy side of that balance, so I have

always taken note of those attorneys who resist the urge to fight every single issue, even in discovery and no matter how small, and who willingly acknowledge and confront weaknesses in their cases, including when particular arguments or positions are foreclosed by precedent and thus presented only for preservation. I likewise admire those judges who display a similar humility in the judicial role by focusing on the public's business of fairly and impartially administering justice while adhering to the "proper—and properly limited—role of the courts in a democratic society." *Warth v. Seldin*, 422 U.S. 490, 498 (1975).

6. How would you describe your judicial philosophy?

   Response: Judges play an important but limited role under our tripartite system of government. Specifically, Article III vests federal judges with the "judicial power," meaning the power to apply the law to resolve cases or controversies properly before them. Judges therefore may not make or rewrite the law. Instead, they must impartially and faithfully apply the governing provisions of law, while adhering to all binding Supreme Court and circuit court precedent. Judges must, in other words, decide cases based on the law, not their own preferences.

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 confirmed, in determining whether a right is fundamental and protected under the Fourteenth Amendment, I would faithfully follow the standards set forth in binding precedent, including but not limited to *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997), and *Department of State v. Munoz*, 602 U.S. 899, 909-910 (2024).

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

      Response: Yes, following the approach articulated by the Supreme Court, under which express enumeration is one consideration when determining whether a right qualifies as fundamental. *See McDonald v. City of Chicago*, 561 U.S. 742, 763-66 (2010); *Timbs v. Indiana*, 586 U.S. 146, 150 (2019).

   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: The Supreme Court has held that whether a right is deeply rooted in this Nation's history and tradition is a relevant consideration to determining whether that right is fundamental. *See* to *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997); *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 231

(2022). I would faithfully follow those and any other binding precedents, looking to the sorts of sources to which the Supreme Court has looked in conducting the fundamental rights analysis, including state laws, *id.*, federal laws, *Department of State v. Munoz*, 602 U.S. 899, 909-910 (2024), judicial decisions, *id.* at 914-15, and other historical sources, *id.* at 911-12. *See also Timbs v. Indiana*, 586 U.S. 146, 151-52 (2019) (considering English law predating the Founding and Founding-era state law).

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

Response: Yes, if confirmed, I would faithfully follow all binding precedent, including precedent recognizing a right as fundamental. I would consider non-binding circuit court precedent for its persuasive value.

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

Response: Yes, the recognition of a similar right as fundamental, while not dispositive, bear on the issue of whether the asserted right is fundamental.

e. What other factors would you consider?

Response: If confirmed, in assessing whether a right qualifies as fundamental, I would consider any other factor identified as relevant in binding precedent. I would also entertain the possibility of considering factors identified in persuasive precedent and, under the party presentation principle, factors advanced by the parties—so long as consideration of those factors would not be contrary to binding precedent.

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 states that the President "Shall take Care that the Laws be faithfully executed." U.S. Const., Art. II, § 3. The Supreme Court has held that this provision allows the President authority and discretion to prioritize federal law enforcement efforts. *See United States v. Texas*, 599 U.S. 670, 679 (2023). I am not aware of any decision squarely holding that the President violated the Take Care Clause. During President Obama's administration, the Department of Justice argued that the Clause is non-justiciable, but the Supreme Court affirmed by an equally divided court, rendering no opinion. *See United States v. Texas*, 579 U.S. 547 (2016). As a result, I am not aware of any precedent squarely addressing the follow-on remedial question of what, if anything, a court may or should do in the event of an adjudicated violation of the Take

Care Clause. I would faithfully follow any binding precedent addressing that issue. In the absence of such precedent, I would carefully attend to the arguments of the parties in keeping with the party presentation principle, likely focusing on any relevant statutes and precedent addressing issues of jurisdiction and justiciability, the separation of powers, immunities, and the principles governing remedies. Because these issues may come before me if I am confirmed, it would be improper for me to opine further concerning how these principles might apply together in a hypothetical case.

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: Section 1 of the 22nd Amendment prohibits any person from being "elected to the office of President" for a third term. U.S. Const., amend, XXII. To the extent this question seeks an opinion on a broader political or policy debate, or on statements by any political figure, my response, consistent with the responses of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee.

10. 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: Under the Constitution, certification by Electors from the States is the method for determining the winner of a presidential election. U.S. Const., Art. II, § 1; U.S. Const., amend. XII. The Electoral Count Reform Act, as amended, then provides that Congress may declare the winner upon counting the votes of Electors, with a process for objections. 3 U.S.C. § 15. Thus, as a practical matter, certification by Congress decides the winner of a presidential election in the sense that it determines who will serve as president. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee.

11. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you who won the popular vote and the electoral college in the 2020 election. You echoed fellow nominee Megan Benton's response that "Joseph Biden was declared the victor."

    a. In advance of the hearing, did you prepare a potential answer or set of answers to question(s) you might receive related to who won the 2020 election? If so, what information or sources did you use to develop your answer(s)?

       Response: In preparing for the hearing, I considered how I might answer the sorts of questions that had been posed to previous nominees. In considering those

potential answers, I reviewed videos of prior hearings, responses to questions for the record, and the Code of Conduct for United States Judges.

b. Prior to the hearing, did anyone instruct, suggest, imply, or otherwise represent that you should avoid directly answering questions about who won the 2020 election? If so, please explain. If not, please explain how you, without any outside input, made the decision to reply with who was *declared* the winner when asked about who *won* the 2020 election.

Response: No. I made the decision concerning my response after reviewing the Code of Conduct for United States Judges, videos of prior hearings, and responses to questions for the record.

12. Under 28 U.S.C. § 455, "[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themself] 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: Both actual impartiality and the appearance of impartiality are important in maintaining the public's confidence in the judiciary. As I explained in response to Question 24(b) of the Questionnaire, if confirmed, I would carefully review and address any potential conflicts of interest under the standards set forth in 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. This would include faithful adherence to binding precedent. To the extent this Question is designed to focus with specificity on 28 U.S.C. § 455(a), I would consider all relevant circumstances to determine whether they might cause a reasonable person with knowledge of those circumstances to question my impartiality. *See Liljeberg v. Health Services Acaquisition Corp.*, 486 U.S. 847 (1988).

13. 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: Yes. If confirmed, I would faithfully those and all other governing statutes, in addition to any binding precedent.

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: Section 3583(e)(1) enacts Congress' judgment that a court may "terminate a term of supervised release … at any time after the expiration of one year of supervised release, … if it is satisfied" that doing so "is warranted by the conduct of the defendant released and the interest of justice." Those factors—the conduct of the defendant and the interest of justice—can include incentivization toward rehabilitation.

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.

14. 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: While phrased in abstract terms, this Question seeks to elicit a response bearing directly on a legal and political controversy that is in ongoing litigation involving the Department of Justice. Therefore, without taking a position on the framing of the question or its characterization of the facts, as a judicial nominee and as a current employee of the Department of Justice, it would be inappropriate for me to comment.

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

Response: Yes, the Supreme Court has long recognized a fundamental right to travel across state lines. *See, e.g.*, *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: If confirmed and faced with a case involving the constitutional right to travel, I would begin by consulting the binding precedents addressing the constitutional right to travel, including but not limited to *Saenz v. Roe*, 526 U.S. 489 (1999), *Sosna v. Iowa*, 419 U.S. 393 (1975), *United States v. Guest*, 383 U.S.

745 (1966), and *Edwards v., California*, 314 U.S. 160 (1941). I would faithfully apply the standards articulated in those and any other binding precedents. There might be other relevant sources of law depending on the specific facts of the case, including the details of the challenged State action. To the extent this question seeks an opinion on a political dispute or a legal dispute that is or could soon come before a court, it would inappropriate for me to opine further.

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

    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 the Constitution protects a right to privacy that extends to the right to use contraceptives. *See Griswold v. Connecticut*, 381 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972). I would faithfully follow those and all other binding precedents if confirmed.

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

    Response: In the abstract, yes, the public's original understanding of the meaning of a constitutional provision constrains its application. This is in keeping with the Supreme Court's application of originalism to resolve open constitutional issues in recent years. At the same time, the Supreme Court has clarified that its originalist "precedents were not meant to suggest a law trapped in amber," such that a constitutional provision can apply only to those technologies, laws, and other circumstances that existed at the Founding. *United States v. Rahimi*, 602 U.S. 680, 691 (2024). A court must "ascertain whether the new law is relevantly similar to laws that our tradition is understood to permit, applying faithfully the balance struck by the founding generations in modern circumstances." *Id.* at 692. Moreover, many constitutional questions have already been addressed in binding precedents, many of which may not have employed an originalist methodology. If confirmed, I would faithfully follow all binding precedents, whether or not those precedents were decided based on an originalist methodology.

    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: Different provisions of the Constitution were adopted at different times and might have been addressed in different sorts of sources—with both circumstances meaning that any given "specific source" is unlikely to work as a constitutional skeleton key applicable to all issues.,

       That said, some sources that have wide utility in constitutional interpretation include: (1) the Federalist Papers; (2) Blackstone, "who exerted considerable

influence on the Founders," *Reid v. Covert*, 354 U.S. 1 (1957), and (3) Founding-era English and American decisions addressing provisions or concepts similar to those embodied in our Constitution.

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

Response: The Supreme Court has held 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). There are many precedents addressing the follow-on question of what process is due in particular contexts. If confirmed, I would faithfully apply all binding precedent in addressing due process claims. To the extent this question asks me to opine on current political or legal disputes, as a judicial nominee it would be inappropriate for me to comment further. As for fair adjudication, all claims filed with a court should be adjudicated fairly.

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

Response: If confirmed, in the event a party allegedly failed to comply with an order I would issue a show cause order or some other order asking the potentially non-compliant party to explain whether it had complied or attempted to comply with the order. If I concluded that the order was in fact violated, I would consider sanctions, including civil contempt or criminal contempt. Before imposing any sanctions, I would consider the parties' arguments concerning whether there exists a valid excuse or defense to any potential sanctions for noncompliance. Throughout this process, I would faithfully adhere to all governing law and precedents, including the Supreme Court precedent cautioning that "the contempt power" is "uniquely liable to abuse," *Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831 (1994), such that "care is needed to avoid arbitrary or oppressive conclusions," *Bloom v. Illinois*, 391 U.S. 194, 202 (1968).

20. 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: In keeping with the principle of party presentation, I generally would focus any analysis on careful consideration of the arguments presented by the parties to the litigation. I would faithfully follow any binding precedent in determining whether a party had engaged in abusive litigation tactics. Beyond that, identifying abusive litigation tactics would depend on the specific circumstances of each case and the alleged abuse. For example, while the Federal Rules of Civil Procedure impose presumptive limits on discovery, within those limits one cannot determine whether discovery requests are excessive without considering the extent and nature of the discovery requests, the nature of the case and the legal issues presented therein, and the need for the discovery. *See* Fed.

R. Civ. P. 26(b) ("Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit."). Similarly, one cannot determine whether the filing of motions qualifies as abusive without considering the merit or lack thereof of the motions and—for claims of repetitive motions—the motions that have already been filed. And, for procedural delays, one must consider the extent of the delays and the justifications supporting them, if any. If confirmed, I would consider all relevant factors in light of the arguments as presented by the parties, faithfully adhering to the relevant rules and any other governing law including binding precedent.

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

Response: If confirmed and faced with potentially abusive litigation tactics, I would begin by giving the parties an opportunity to present their positions, which would include an opportunity for the party facing allegations of abusive tactics to explain why the litigation tactics were not abusive and to present its positions concerning any possible sanction. If after hearing those arguments I concluded that the party had engaged in abusive litigation tactics, I would consider possible sanctions. Here again, much would depend on the context: Many different sources of law empower district courts to sanction abusive tactics, and those sources of law can apply in different contexts. *See* Fed. R. Civ. P. 11 (sanctions for misconduct in presenting to the court pleadings, motions, or other paper); Fed. R. Civ. P. 37 (sanctions for misconduct in discovery); 28 U.S.C. § 1927 (sanctions for "multipl[ying] the proceedings … unreasonable and vexatiously"); *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1981) (recognizing inherent power of courts to sanction bad faith conduct). In considering whether to impose a particular sanction, I would carefully consider the arguments of the parties and the facts and circumstances of the case, faithfully adhering to the governing law including any binding precedent.

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

Response: Generally speaking, a judge's feelings about practical consequences should not influence the judge's ruling, which should be based on the governing law. That said, some legal issues require a judge to consider practical consequences in a focused way, as when a judge considering a request for injunctive relief or a stay must consider the possibility of irreparable harm, the balance of the equities, and the public interest.

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

Response: Hopefully, a judge's personal life experiences have prepared her to faithfully and impartially follow the law, 28 U.S.C. § 453, and to treat parties, attorneys, and others with patience, courtesy, and respect, Canon 3(A)(3), Code of Conduct for United States Judges. But the judge's personal life experiences should not directly influence the judge's rulings, which should be based on the governing law. *See* 28 U.S.C. § 453.

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

Response: Generally speaking, a judge's feelings of empathy toward a party should not influence the judge's ruling, which should be based on the governing law. *See* 28 U.S.C. § 453. However, a judge should be patient, courteous, and respectful to litigants and everyone else the judge encounters in an official capacity. *See* Canon 3(A)(3), Code of Conduct for United States Judges.

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

Response: I am proud of my extensive litigation record and the zealous advocacy I have provided to every one of my clients, from individuals, to corporations and other private entities, to the government. While every client has received my best efforts, I am particularly proud of my work on behalf of Senator Graham, given the fast-paced nature of that work and the important principles involved. More generally, I am proud of my work on matters reflecting service to the public, both through my work at the Department of Justice and my pro bono work on behalf of individuals who could not afford representation.

25. 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 consider issuing a standing order of the sort described in this question. As a longtime litigator, I recognize the value of standup experience in developing the skills and careers of junior lawyers and, thus, the future of the legal profession. Any such order would need to strike a careful balance, however, to ensure that it does not intrude on a litigant's right to decide who she would like to represent her and does not result in inefficient use of public resources. I would confer with my colleagues before entering any such order, in addition to considering these and all other relevant factors.

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

Response: If confirmed, I would engage with law students and junior members of the bar, encouraging them to affirmatively seek and request active engagement on cases and to otherwise observe court proceedings. I also would encourage younger attorneys to take on pro bono matters; in addition to being a public service and one of the legal profession's great traditions, pro bono work can offer junior attorneys opportunities to take on new and significant responsibilities that they might not otherwise receive.

26. Discuss your proposed hiring process for law clerks.

Response: Because I have not been a judge and because I recognize the Senate's important role in considering my nomination, I have not developed a detailed process for hiring law clerks. I can say at this point that, if confirmed, I plan to hire based on merit, including academic performance and (when applicable) professional experience. I also would consider referrals and recommendations from practicing lawyers, professors, and other judges.

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

Response: If confirmed, I will not tolerate discrimination or harassment in my chambers. In my view, judges should model professionalism, which requires at minimum that others be treated with fairness and respect. As to whether Title VII should be amended or otherwise extended to the federal judiciary, that is a policy matter subject to ongoing debate, about which it would be improper for me to speak as a judicial nominee.

27. 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: Because I have not been a judge and because I recognize the Senate's important role in considering my nomination, I have not formulated specific policies for my chambers. In my view, the first and most basic steps I would take would be to model professionalism, treating those in my chambers with respect and dignity, and to make clear to all who work in chambers that misconduct and disrespect will not be tolerated. I also would inquire of fellow judges concerning

the steps they have taken to prevent and remedy misconduct and disrespect, so that I can consider adopting those policies for my own chambers.

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 answer to Question 27(a) above.

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

Response: I would follow any relevant rules or procedures in the Western District of Tennessee and the Sixth Circuit. To the extent not addressed by relevant rules or procedures, I would take whatever steps seem warranted by the circumstances, including the nature of the allegations.

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

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: The characterization of the events at the Capitol on January 6, 2021, is a topic of political and legal debate and controversy. Whether those events were an "insurrection" or "not an insurrection" has significance for application of Section 3 of the Fourteenth Amendment, an issue that has already spawned litigation and the enforcement of which is at least partially entrusted to Congress as a political branch. *See Trump v. Anderson*, 601 US. 100 (2024). In addition, the legal effect of pardons related to the events at the Capitol on January 6 is subject to ongoing litigation and could arise in matters pending before me if confirmed, and persons who were present at the Capitol on January 6 could appear before me as parties. More broadly, I am aware of general disputes in the public and media concerning how to describe the events of January 6. For these reasons, as a judicial nominee, it would be inappropriate for me to comment on whether the events of January 6 do or do not qualify as an "insurrection."

29. 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: As you note, the President has the power to grant executive clemency relief. As a judicial nominee, it would be inappropriate for me to comment on the prudence of a separate, coequal, and political branch of government's exercise of its powers, divorced from any case or controversy pending before me. Moreover, the legal effect of pardons related to the events at the Capitol on January 6 is subject to ongoing litigation and could arise in matters pending before me if confirmed, and persons who were present at the Capitol on January 6 could appear before me as parties.

30. 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 answer to Question 29 above.

31. You have been nominated to serve in the Western District of Tennessee.

    a. When did you last live in Tennessee?

        Response: I lived in Tennessee for approximately twenty-three years—most of my life. I last lived there in 2006, and I have regularly returned since then, including for extended stays with my family, most of whom still reside there.

    b. Have you ever done legal work in Tennessee?

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

    c. Why did you join the Tennessee bar in 2025? Did you do so in anticipation of your nomination to this position?

        Response: I began the process of applying to the Tennessee Bar in July 2024, leading to formal submission of application materials in November 2024 and admission in June 2025. I applied to the Tennessee Bar because I recognized the thriving and vibrant economy and legal market in my home State and wanted the ability to more freely practice there as part of my national practice. For the same reason, I sought admission to the Western District of Tennessee soon after being admitted to the Tennessee bar. At the time I began the process of being admitted to the Tennessee Bar, I had not yet applied for this position and certainly had no assurance that I would be nominated. As described in my Senate Judiciary Questionnaire, I did not learn that my application for the nomination was in consideration by the White House until September 2025, and I did not learn that I would be nominated until November 2025.

d. Why did you seek admission to practice in the Western District of Tennessee in 2025? Did you do so in anticipation of your nomination to this position?

Response: Please see my answer to Question 31(c) above.

e. You are admitted to practice in several circuits, including the First, Fourth, Seventh, and Eleventh. Are you admitted to practice in the Sixth Circuit, where Tennessee is located? If not, why not?

Response: I have enjoyed a national practice, successfully representing clients in courts across the country—whether federal, state, or territorial—without being limited to any one court or locale. As is common for attorneys with such practices, I have sought appellate court admission when a client matter arose in the relevant court. The federal appellate issues considered by all regional circuits are generally similar, as only the Federal Circuit and the D.C. Circuit to a lesser degree have specialized dockets.

32. In your Senate Judiciary Questionnaire, you list several bar associations and organizations of which you have been a member, none of which appear to be primarily located or based in Tennessee. Have you ever been a member of a professional organization primarily located or based in Tennessee?

Response: I have enjoyed a national practice, successfully representing clients in courts across the country—whether federal, state, or territorial—without being limited to any one court or locale. While I have not been a member of "a professional organization primarily located or based in Tennessee" as part of that practice, I have been a member of national organizations in connection with my practice, in addition to the organizations to which I belonged during my approximately twenty-three years in Tennessee.

33. In your Questionnaire, you list the ten most significant litigated matters which you personally handled; none of those ten matters are cases that were litigated in state or federal court in Tennessee.

a. Have you ever appeared in state or federal court in Tennessee? If so, please include the case citations for the cases you handled.

Response: I have enjoyed a national practice, successfully representing clients in courts across the country—whether federal, state, or territorial—without being limited to any one court or locale. As part of that national practice, I have overseen the preparation of filings for use in Tennessee litigation. At the time I left my firm partnership to enter public service, those filings had not yet occurred and my firm had not yet entered an appearance in the litigation.

b. Have you ever signed a legal brief submitted in state or federal court in Tennessee? If so, please include the case citations, including docket numbers, for the briefs you signed.

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

34. You worked with Rob Luther, a professor at George Mason University's Antonin Scalia Law School, during your representation of Senator Graham in fighting a witness subpoena issued by the Fulton County Special Purpose Grand Jury during the prosecution of President Trump for interference in the 2020 election. On November 14, 2025, Luther posted about your nomination on X, writing, "Brian Lea is an exceptional pick . . . for this Memphis seat. Memphis is Shelby County - ground zero for critical Voting Rights litigation. It's imperative to have a very smart, very conservative judge on these cases. Huge win."

    a. Do you agree with Luther's assertion that you would be a "very conservative judge"?

        Response: As indicated in my answer to Question 6 above, if confirmed I would faithfully decide cases based on the law, not my own policy preferences. As a pending judicial nominee, it is inappropriate for me to comment on others' public statements.

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

        Response: No. Please see me answers to Questions 6 and 34(a) above.

    c. Have you made any representations to Luther or anyone else about how you would rule in voting rights cases?

        Response: No.

35. In your Senate Judiciary Questionnaire, you note that just 5% of your practice has involved criminal proceedings. If you are confirmed, what resources will you use to get up to speed on criminal proceedings?

    Response: While the bulk of my practice has been in civil litigation, I have substantial experience with criminal proceedings. During both of my clerkships, I handled many criminal matters. Then, as detailed in my Senate Judiciary Questionnaire, I worked on criminal matters throughout my time in private practice, including grand jury investigations, RICO litigation, criminal sentencings, and criminal and post-conviction appeals. As also detailed in my Questionnaire, I taught Criminal Procedure to law students. Based on these experiences, I respectfully disagree with any suggestion that I am not "up to speed on criminal proceedings."

I do recognize, however, that the transition to the bench will present novel issues and a new perspective. In addition to drawing on my prior experiences and preexisting practice of following case law and other legal developments to keep up with changes in the law, if confirmed I will consult with my new colleagues on the bench and review helpful secondary sources as I begin managing a judicial docket, including criminal proceedings.

Questions for the Record for Brian Charles Lea
Submitted by Senator Richard Blumenthal
December 22, 2025

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

   Response: Both actual impartiality and the appearance of impartiality are important in maintaining the public's confidence in the judiciary. As I explained in response to Question 24(b) of the Questionnaire, I would carefully review and address any potential conflicts of interest under the standards set forth in 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.

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

      Response: Please see my response to Question 1 above.

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

      Response: Please see my response to Question 1 above.

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

      Response: Please see my response to Question 1 above.

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

   Response: If I am confirmed, I will follow all ethical rules and obligations that apply to federal judges.

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

      Response: Please see my response to Question 2 above.

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

Response: Please see my response to Question 2 above.

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

Response: Please see my response to Question 2 above.

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

Response: Yes.

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

Response: Please see my response to Question 2 above.

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

Response: Please see my response to Question 2 above.

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

Response: Please see my response to Question 2 above.

4. The House Republican-authored budget reconciliation bill for Fiscal Year 2026 had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

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

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

Response: The Supreme Court has described the contempt power using the quoted language. *See, e.g., Ex Parte Robinson*, 86 U.S. 505, 510 (1873). I would faithfully follow that binding precedent if confirmed. But, as a judicial nominee, it would be inappropriate for me to offer an opinion concerning whether or not that precedent is correct.

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

Response: As a judicial nominee, it would be inappropriate for me to opine on this question, which both raises an issue that could come before me if I am confirmed to the bench and concerns an ongoing political dispute.

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

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

Response: Yes.

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

Response: Federal courts have several tools for seeking to ensure compliance with court orders. Those tools include status reports, hearings concerning compliance efforts, sanctions, civil contempt, and criminal contempt.

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

Response: Please see my response top Question 5(a)(i).

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

Response: If a party disagrees with an order, she may request a stay and move for reconsideration or seek appellate review in the hope of obtaining vacatur or reversal. But a party bound by a court order generally must follow the order until it is vacated or reversed.

Scholars and courts have identified potential exceptions. One oft-cited exception might arise where the court that issued the order lacked jurisdiction. *See* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008) ("A court without jurisdiction over the parties and the subject matter could not bind them to judgment, right or wrong."). And impossibility of compliance might excuse noncompliance with a court order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) (vacating civil contempt orders requiring imprisonment because the contemnors could no longer comply with the underlying order). Others have identified other narrow, circumstance-specific defenses that might apply to contempt proceedings. *See* Heidi Kocher, 79 Geo. L. J. 1019, 1025 & n.1869 (1991). Finally, the Supreme Court has observed that a party who desires to immediately appeal an interlocutory order might exercise the "long-recognized option" of "defy[ing] … [the] order and incur[ring] court-imposed sanctions" in order to create an avenue to appeal. *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

Because I could be presented with these issues if confirmed to the bench, it would be inappropriate for me to prejudge whether it would be legally permissible for a party to violate a court order in various specific circumstances. If confirmed, I would resolve these sorts of issues through careful consideration of the circumstances and the parties' arguments and faithful adherence to all governing law and precedents.

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

Response: Please see my response to Question 5(b) above.

d. What would make a court order unlawful?

Response: The answer to this question depends on what is meant by "unlawful." A court order could be described as "unlawful" if it was entered without jurisdiction, or if it errs on the merits.

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

Response: Please see my response to Question 5(b) above.

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

Response: Please see my response to Question 5(b) above.

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

Response: No.

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

Response: No.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Brian Charles Lea

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

       Response: No.

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

       Response: No.

Nomination of Brian Lea
United States District Court for the Western District of Tennessee
Questions for the Record
Submitted December 26, 2025

QUESTIONS FROM SENATOR BOOKER

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

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

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

      Response: As a judicial nominee, it would be inappropriate for me to offer an opinion on a subject of political controversy or on the statements of a political figure.

2. 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 not presume to opine on how the Senate Judiciary Committee should proceed in the situation you describe. As a judicial nominee, it would be inappropriate for me to opine or hypothesize concerning the actions of a political body or a subject of political controversy.

3. 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 not presume to opine on how the Senate Judiciary Committee should proceed in the situation you describe. As a judicial nominee, it would be inappropriate for me to opine or hypothesize concerning the actions of a political body or a subject of political controversy.

4. How would you characterize your judicial philosophy?

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

Response: Judges play an important but limited role under our tripartite system of government. Specifically, Article III vests federal judges with the "judicial power," meaning the power to apply the law to resolve cases or controversies properly before them. Judges therefore may not make or rewrite the law. Instead, they must impartially and faithfully apply the governing provisions of law, while adhering to all binding Supreme Court and circuit court precedent. Judges must, in other words, decide cases based on the law, not their own preferences.

5. What do you understand originalism to mean?

   Response: In a broad sense, originalism means adherence to the original public understanding of a legal text. The term is used most often to describe a method of constitutional interpretation.

6. Do you consider yourself an originalist?

   Response: I generally consider myself an originalist in the sense that I believe a judge should look to the original public understanding of a provision when interpreting that provision. The Supreme Court often has interpreted constitutional provisions using an originalist methodology. If confirmed to serve as a district court judge, I would faithfully follow all binding precedents, whether or not those precedents were decided based on an originalist methodology.

7. What do you understand textualism to mean?

   Response: In a broad sense, textualism refers to a methodology under which a text is interpreted as written, with the meaning it had when adopted. The term is used most often in reference to statutory interpretation.

8. Do you consider yourself a textualist?

   Response: I generally consider myself a textualist in the sense that I believe a judge should look to the text of a law when interpreting that law. The Supreme Court often has employed a textualist methodology under which the best meaning of a statutory text controls. If confirmed to serve as a district court judge, I would faithfully follow all binding precedents, whether or not those precedents were decided based on a textualist methodology.

9. 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: If confirmed, I would faithfully follow all binding precedents, including those concerning the use of legislative history or that relied on legislative history. Legislative history is not itself the law, because it did not go through the constitutionally required process of bicameralism and presentment. *See* U.S. Const., Article I, § 7. Legislative history therefore generally should not trump the text of a law, although courts sometimes use it to "clear up ambiguity" in the text. *Milner v. Dep't of Navy*, 562 U.S. 562, 574 (2011).

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

Response: Congressional intent, as reflected in text of an enacted statute, matters because our Constitution vests Congress with the legislative power. U.S. Const. Article 1, § 1; *see Republic of Hungary v. Simon*, 604 U.S. 115, 137 (2025) ("It is the statutory text … that best reflects Congress's intent."). Legislative history, in contrast, does not have the force of law; it is generally limited to, at most, informing the meaning of an ambiguous statutory text as discussed in response to Question 9(a). As noted in response to that question, if confirmed, I would faithfully follow all binding precedents, including those concerning the use of legislative history or that relied on legislative history.

10. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.[2]

a. What do you attribute this to?

Response: The cause of disparities like the one discussed here is a topic of ongoing public debate, as are the best means to address such disparities. Therefore, as a judicial nominee, it would be improper for me to address those subjects. Speaking generally, however, any discrimination on the basis for race should cause serious concern. If confirmed, I would remain vigilant against any biases and eliminate them as consistent with the judicial duty.

11. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.[3]

a. What do you attribute this to?

Response: Please see my response to Question 10 above.

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

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

12. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

    Response: Prosecutors have "broad discretion to enforce the nation's criminal laws" and their decisions receive a "presumption of regularity." *United States v. Armstrong*, 517 U.S. 456, 463 (1996). Even so, a defendant may assert a "selective-prosecution claim," which is "not a defense on the merits to the criminal charge itself, but an independent assertion that the prosecutor has brought the charge for reasons forbidden by the Constitution," such as race. *Id.* Fair adjudication of such claims, in a way faithful to binding precedent, is one way in which a federal judge can ensure that a person's race did not factor into a prosecutor's decision. And, at sentencing, 18 U.S.C. § 3553(a)(6) requires a judge to "consider … the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." By carefully considering that factor, along with the sentencing guidelines and data from the United States Sentencing Commission, a judge can help to ensure that race does not factor into the sentencing process.

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

    Response: Yes, no one should be excluded from the opportunity to serve in the judicial branch based on protected characteristics such as race, ethnicity, sex, or religion. To exclude candidates from public service based on such characteristics would be unfair to those candidates, and it would harm the judicial branch and the public by precluding talented candidates from public service.

14. 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.

    Response: As noted on my Senate Judiciary Questionnaire, I have often written and spoken about the judiciary, including the Supreme Court. My talks concerning the courts primarily consisted of reviews of recent Supreme Court decisions and previews of upcoming cases. Those talks likely included discussion of at least some of the issues below, and any such discussion would have been a summary of the recently decided or pending cases addressing those issues. Where I recall specifically addressing the issues mentioned below, I have listed out those talks or publications. But for a full accounting of the topics I have addressed, please refer to the list of publications and statements provided in my Senate Judiciary Questionnaire, corresponding attachments, and supplementary letter. To the best of my

knowledge, the answers provided in my Senate Judiciary Questionnaire and supplement disclose all publications and public statements.

a. Abortion

Response: I briefly mentioned a case and a law addressing abortion in *Situational Severability*, 103 Va. L. Rev. 735 (2017), and I briefly discussed application of the law of third-party standing in the context of abortion cases in *The Merits of Third-Party Standing*, 24 Wm. & Mary Bill Rts. J. 277 (2015). *Paging King Solomon: Towards Allowing Organ Donation from Anencephalic Infants*, 6 Ind. Health L. Rev., 17 (2009), notes the prevalence of abortion in cases of anencephaly.

b. Affirmative action
c. Contraceptives or birth control

Response: I briefly discussed application of the law of third-party standing in the context of cases involving contraception in *The Merits of Third-Party Standing*, 24 Wm. & Mary Bill Rts. J. 277 (2015).

d. Gender-affirming care

Response: While sitting on a September 12, 2025 panel in Nashville, Tennessee, I mentioned that the federal government changed position in the *Skrmetti* case.

e. Firearms

Response: I briefly discussed application of the law of third-party standing in the context of cases involving firearms in *The Merits of Third-Party Standing*, 24 Wm. & Mary Bill Rts. J. 277 (2015).

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

Response: I briefly discussed some cases involving racial discrimination in the course of discussing the law of third-party standing in *The Merits of Third-Party Standing*, 24 Wm. & Mary Bill Rts. J. 277 (2015). While sitting on a September 12, 2025 panel in Nashville, Tennessee, I mentioned the Department of Justice's expanded efforts to end racial discrimination based on *Students for Fair Admissions v. Harvard.*

l. Sex discrimination
m. Religious discrimination
n. Disability discrimination

o. Climate change or environmental disasters

Response: In an April 2021 white paper titled *Personal Jurisdiction After the Supreme Court's Decision in* Ford*: What Has Changed?*, I joined a group of my law partners in discussing the potential impact of the Supreme Court's *Ford* decision on the doctrine of personal jurisdiction. One paragraph addressed that issue in the context of climate litigation. In an October 2024 discussion of an early-stage potential academic project examining the common law, I briefly mentioned climate change suits as a jumping off point for considering how common-lawmaking has changed.

p. "DEI" or Diversity Equity and Inclusion

Response: While sitting on a September 12, 2025 panel in Nashville, Tennessee, I mentioned the Department of Justice's expanded efforts to end racial discrimination based on *Students for Fair Admissions v. Harvard.*

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

Response: If a party disagrees with an order, she may request a stay and move for reconsideration or seek appellate review in the hope of obtaining vacatur or reversal. But a party bound by a court order generally must follow the order until it is vacated or reversed.

Scholars and courts have identified potential exceptions. One oft-cited exception might arise where the court that issued the order lacked jurisdiction. *See* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008) ("A court without jurisdiction over the parties and the subject matter could not bind them to judgment, right or wrong."). And impossibility of compliance might excuse noncompliance with a court order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) (vacating civil contempt orders requiring imprisonment because the contemnors could no longer comply with the underlying order). Others have identified other narrow, circumstance-specific defenses that might apply to contempt proceedings. *See* Heidi Kocher, 79 Geo. L. J. 1019, 1025 & n.1869 (1991). Finally, the Supreme Court has observed that a party who desires to immediately appeal an interlocutory order might exercise the "long-recognized option" of "defy[ing] … [the] order and incur[ring] court-imposed sanctions" in order to create an avenue to appeal. *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

Because I could be presented with these issues if confirmed to the bench, it would be inappropriate for me to prejudge whether it would be legally permissible for a party to violate a court order in various specific circumstances. If confirmed, I would resolve these sorts of issues through careful consideration of the circumstances and the parties' arguments and faithful adherence to all governing law and precedents.

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

Response: If confirmed, in the event a party allegedly failed to comply with an order I would issue a show cause order or some other order asking the potentially non-compliant party to explain whether it had complied or attempted to comply with the order. If I concluded that the order was in fact violated, I would consider sanctions, including civil contempt or criminal contempt. Before imposing any sanctions, I would consider the parties' arguments concerning whether there exists a valid excuse or defense to any potential sanctions for noncompliance. Throughout this process, I would faithfully adhere to all governing law and precedents, including the Supreme Court precedent cautioning that "the contempt power" is "uniquely liable to abuse," *Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831 (1994), such that "care is needed to avoid arbitrary or oppressive conclusions," *Bloom v. Illinois*, 391 U.S. 194, 202 (1968).

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 answer to Question 15 above.

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

The Constitution vests the President with authority to veto legislation passed by Congress. *See* Const., art. I, § 7. In addition, "[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). But the Constitution also mandates that the president "take Care that the Laws be faithfully executed." Art. II, § 3. How these general principles interact is an issue of ongoing dispute implicating issues that could arise before me as a judge if I am confirmed. As a result, as a judicial nominee it would be inappropriate for me to comment further.

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

Response: This question relates to an ongoing dispute that is the subject of litigation, so it would be inappropriate for me to comment as a judicial nominee.

18. 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: Please see my response to Question 17 above.

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

Response: The Supremacy Clause states: "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." U.S. Const., Art. VI, cl. 2. The Supreme Court has explained that under this Clause, "[c]ourts … must not give effect to state laws that conflict with federal laws." *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324 (2015). If confirmed, I would faithfully follow all binding precedents, including those concerning preemption.

20. 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 the 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). There are many precedents addressing the follow-on question of what process is due in particular contexts. If confirmed, I would faithfully apply all binding precedent in addressing due process claims. To the extent this question asks me to opine on current political or legal disputes, as a judicial nominee it would be inappropriate for me to comment further.

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

    Response: The Supreme Court has long held that Congress may delegate power to federal agencies so long as Congress provides an "intelligible principle to guide what it has given the agency to do." *FCC v. Consumers' Research*, 145 S. Ct. 2482, 2496-97 (2025). If confirmed, I would faithfully apply this precedent and all other binding precedent.

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

    Response: Yes, *Brown* was correctly decided. While judicial nominees generally may not opine concerning whether earlier decisions were correctly decided, many nominees have recognized *Brown* to be one of a very few exceptions to that general principal. I agree with prior nominees that *Brown* is a foundational precedent the underlying premise of which—that "separate but equal is inherently unequal"—is beyond dispute, such that judges and nominees can express approval of that principle without calling into question their ability to faithfully and impartially apply the law to other cases involving similar issues. I therefore can confirm that *Brown* was correctly decided.

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

Response: The Supreme Court's decision in *Griswold* is binding precedent, and I would faithfully follow it and all other binding precedent if confirmed. In that case, the Supreme Court held that the Fourteenth Amendment protects the use of contraceptives.

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

Response: The Supreme Court's decision in *Lawrence* is binding precedent, and I would faithfully follow it and all other binding precedent if confirmed. In that case, the Supreme Court held that laws criminalizing consensual sexual intimacy between adult members of the same sex violate the Fourteenth Amendment.

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

Response: The Supreme Court's decision in *Obergefell* is binding precedent, and I would faithfully follow it and all other binding precedent if confirmed. In that case, the Supreme Court held that under the Fourteenth Amendment, a State must license same-sex marriages on the same terms and conditions as opposite sex marriages, and must recognize same-sex marriages granted in other States.

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

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as opining on the broader political or policy debate regarding the conduct of the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee.

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

Response: Please see my response to question 26 above.

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

Response: Please see my response to Question 26 above.

27. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[4]

[4] U.S. CONST. amend. XXII.

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

Response: President Trump was certified as the winner of the 2016 election and served four years 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 27(a) above.

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

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

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

Response: Please see my response to question 27(c) above.

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

Response: Section 1 of the 22nd Amendment prohibits any person from being "elected to the office of President" for a third term. U.S. Const., amend, XXII. As a judicial nominee, it would be improper for me to speculate on any particular fact pattern that might become the subject of litigation. To the extent this question seeks an opinion on a broader political or policy debate, or on statements by any political figure, my response, consistent with the response of prior judicial nominees, is that it would be improper to offer any such comment as a judicial nominee.

28. 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: Yes, concerning the demands of the Code of Conduct for United States Judges, as well as the way in which those sorts of questions have long been handled by judicial nominees. I have based my answers on my understanding of what the Code demands, taking into account the longstanding practices established by other nominees.

29. 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.

30. 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: In approximately December 2024, I spoke with James Burnham via phone. He asked if I would be interested in joining the Department of Government Efficiency.

To the best of my recollection, I have not since that time had unofficial communications with any member of DOGE. As a judicial nominee and a member of the Tennessee, Florida, and Georgia bars, I must respectfully decline to disclose any official internal communications with DOGE. First, I have an ethical obligation to preserve confidential communications and advice that I may have provided to clients, including at DOJ. *See, e.g.*, TN Rule 1.6; FL Rule 4-1.6; GA Ruel 1.6. Second, it would be inappropriate for me to disclose legal advice or other confidential information, arguably to the detriment of my clients, in a manner that could be viewed as an effort to advance my personal interest in confirmation. TN Rule 1.8; FL Rule 4-1.8; GA Rule 1.8. Third, efforts to obtain the Executive Branch's confidential information in the context of a confirmation hearing present difficult separation-of-powers questions. Fourth, even the prospect that the Executive Branch's confidential information could be required to be disclosed in the context of a confirmation hearing would undermine the candor and free exchange of ideas that is necessary to the effective operation of the Executive Branch. *See Trump v. United States*, 603 U.S. 593, 612-13 (2024) (describing the "public interest in candid, objective, and even blunt or harsh opinions in Presidential decisionmaking, as well as the need to protect communications between high Government officials and those who advise and assist them in the performance of their manifold duties" (cleaned up)).

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

Response: I have not had any unofficial communications with Mr. Miller. For the reasons set forth in my response to Question 30, I must respectfully decline to disclose any official internal communications with Mr. Miller.

32. 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: I have been friends with Mr. Mizelle for several years, and have regularly spoken with him throughout that time, including since November 2024. At some point in late November or early December 2024, we spoke concerning potential positions at the Department of Justice. As part of that conversation, I informed Mr. Mizelle that I had applied for the vacant position on the United States District Court for the Western District of Tennessee. I ultimately accepted my current position, in which I frequently spoke with Mr. Mizelle during his tenure as Chief of Staff to the Attorney General and Acting Associate Attorney General. Since the initial conversation, Mr. Mizelle and I have sometimes discussed life updates, including the status of the nomination process, as I have done with many of my friends and colleagues.

As noted, I worked closely with Mr. Mizelle when he served as Chief of Staff to the Attorney General and Acting Associate Attorney General. For the reasons set forth in my response to Question 30, I must respectfully decline to disclose any official internal communications with Mr. Mizelle.

33. 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: I have not had any unofficial communications with Attorney General Bondi. For the reasons set forth in my response to Question 30, I must respectfully decline to disclose any official internal communications with Attorney General Bondi.

34. 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: I have not had any unofficial communications with Deputy Attorney General Blanche. For the reasons set forth in my response to Question 30, I must respectfully decline to disclose any official internal communications with Deputy Attorney General Blanche.

35. 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: I once ran into Judge Bove at the coffee shop within the Department of Justice. I congratulated him on his then-recent confirmation to serve on the United States Court of Appeals for the Third Circuit. I cannot recall the date of this conversation.

36. 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 spoke to Mr. Leo briefly at a group lunch. During our brief conversation, we exchanged pleasantries and he congratulated me on my nomination. I do not recall the precise date of this conversation.

37. 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.

38. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.
    a. Enrique Tarrio
    b. Stewart Rhodes
    c. Kelly Meggs

d. Kenneth Harrelson
e. Thomas Caldwell
f. Jessica Watkins
g. Roberto Minuta
h. Edward Vallejo
i. David Moerschel
j. Joseph Hackett
k. Ethan Nordean
l. Joseph Biggs
m. Zachary Rehl
n. Dominic Pezzola
o. Jeremy Bertino
p. Julian Khater

Response: No as to all.

39. 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.

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

Response: Yes.

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

a. Do you agree with the above statement?

I am not familiar with the statement described in this question, and it would in any event be inappropriate for me, as a judicial nominee, to comment on political controversies or the public statements of others. If confirmed, I would treat all parties and attorneys fairly and impartially, no matter their political affiliation.

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

[5] https://www.article3project.org/about

behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: To the best of my knowledge, no.

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

Response: To the best of my knowledge, no.

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

Response: To the best of my knowledge, no.

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

Response: I recall that, at the beginning of the Senate Judiciary Questionnaire process, someone with the Office of Legal Policy provided general advice concerning that process. In doing so they advised that all of a candidate's ten most significant matters should be included, without exclusions based on subject matter. I cannot recall who provided that advice.

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

Response: Please see my response to Question 42 above.

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

Response: Please see my response to Question 42 above.

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

Response: To the best of my knowledge, no.

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

Response: I know many people affiliated with the Federalist Society, and I have discussed the nomination process with many friends and colleagues, including individuals affiliated with the Federalist Society. Those conversations generally concerned the status of the

process—i.e., keeping friends and colleagues up to date concerning how the process was unfolding.

45. 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 draft responses to these questions, in the process consulting my records, case law, statutes, the constitution, and other nominees' responses to similar questions. After receiving feedback from colleagues at the U.S. Department of Justice, I finalized my answers and submitted them to the Senate Judiciary Committee.