Nomination of Stephen Chad Meredith
To be District Judge on the U.S. District Court for the Eastern District of Kentucky
Questions for the Record
August 6, 2025

QUESTIONS FROM SENATOR GRASSLEY

1. At the hearing, Senator Whitehouse stated: "I've been told that Republican Members are telling witnesses that they actually don't need to answer questions for the record. And we've seen sham answers to questions for the record."

   a. Has any Member of Congress told you that you do not need to answer questions for the record? If so, who?

   Response: No Member of Congress has made any such statement to me.

2. At the hearing, you faced numerous questions about pardons issued by former Governor Bevin in Kentucky.

   a. Is it correct that you did not advise the former Governor about the pardon of Patrick Baker?

   Response: That is correct.

   b. Is it correct that you did not advise the former Governor about the pardon of Dayton Jones?

   Response: That is correct.

   c. Is it correct that you produced to authorities investigating the former Governor's pardons all relevant documents in your possession?

   Response: That is correct. Because I was concerned that those documents might be covered by the attorney-client privilege, I felt compelled by my ethical duties as an attorney to initially object to producing them until I obtained a waiver of the attorney-client privilege from Governor Bevin. However, I worked to obtain a waiver of the privilege from Governor Bevin, and as soon as I obtained that waiver, I voluntarily produced all of those documents.

   d. Is it correct that no investigation into the former Governor's pardons has ever found wrongdoing on your part?

   Response: That is correct.

   e. Is it correct that no legal action was ever taken against the former Governor in relation to these pardons?

   Response: That is correct.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Stephen Chad Meredith
Nominee to be U.S. District Judge for the Eastern District of Kentucky
August 6, 2025

1. From 2015 to 2019, you served as Chief Deputy General Counsel for then-Kentucky Governor Matt Bevin. As I noted at your hearing, Governor Bevin received bipartisan criticism for his decision to issue hundreds of pardons and commutations, including to violent offenders, after losing his re-election bid in 2019.

a. Did you ever advise Governor Bevin on the issuance of any pardons or commutations?

Response: During the four years that I worked in the Governor's Office, the Governor instructed lawyers in his administration to gather periodically to review pardon files to determine whether any files potentially met his standards for a pardon. As I understood the Governor's policy, he wanted to grant pardons for individuals who had low-level offenses (like drug possession or non-violent theft offenses) and who had fully served their prison sentences and turned their lives around and demonstrated a lengthy track record of obeying the law and contributing to their communities. It was also my understating that individuals who had been convicted of violent offenses or sex offenses did not fit the Governor's criteria for eligibility for a pardon and that we should therefore not recommend such individuals for a pardon. I applied these understandings when participating in the periodic pardon-file review sessions. During those sessions, if our review of a pardon file did not reveal circumstances that met the Governor's criteria for a pardon, then my understanding was that we were to recommend against a pardon. And if a pardon file did appear to meet the Governor's criteria for a pardon, then we were to pass it along to the Governor with a recommendation that it met his criteria for a pardon. During those review sessions, there were instances where I found pardon files that I believed met the Governor's stated criteria for his discretionary grant of a pardon.

In addition, as I stated at the hearing, I remember reviewing the pardon file for an individual named Irvin Edge, and I recommended that he not receive a pardon. I learned after the end of the Governor's term that Mr. Edge had nevertheless received a pardon.

In addition, I—along with other lawyers in the Governor's General Counsel's Office—reviewed the pardon file for an individual named Justin Wibbels. My recollection is that Mr. Wibbels was a young man in his early 20s who was gainfully employed and married with a young child when he was involved in a car accident on his way to work one day in 2014. The accident resulted in the death of another driver. It is also my recollection that because there was evidence that Mr. Wibbels was driving recklessly, he was charged with a vehicular-homicide offense. He went to trial and was convicted and sentenced to 20 years in prison.

Because the evidence showed that Mr. Wibbels was not intoxicated or engaged in distracted driving, we believed that the sentence was too harsh and should be commuted but not pardoned. As tragic as the circumstances were, we did not believe that they warranted keeping a productive citizen who otherwise had no criminal record in prison for 20 years and forcing his son to grow up without a father. Our review of the situation was also influenced by the fact that other individuals serving prison sentences for similar crimes had received pardons or commutations from other governors even though their offenses appeared to involve much more egregious circumstances. So we also believed that Mr. Wibbels was serving time in prison when others who had acted more culpably in committing similar offenses had been pardoned or had their sentence commuted. Ultimately, because there was some evidence supporting the allegation that Mr. Wibbels had been driving recklessly, I did not believe that a full pardon was appropriate. Instead, I was in favor of reducing the length of his sentence via a commutation. I did not personally advise the Governor regarding Mr. Wibbels, but my understanding was that we—meaning the lawyers in the General Counsel's Office—collectively recommended a commutation rather than a pardon. I was later informed that the Governor had elected to grant Mr. Wibbels a full pardon instead of a commutation.

b. Were you ever a party to discussions on pardons, commutations, pardon applications, or constituent outreach regarding clemency with Governor Bevin, other members of Governor Bevin's staff, or outside parties weighing in on pardons?

Response: Please see my response above to Question 1.a. In addition, other staff in the Governor's Office would often give out the contact information of lawyers in the Governor's General Counsel's Office to those who inquired about the possibility of submitting a pardon application. Those individuals would occasionally call those of us who worked in the General Counsel's Office to ask about the pardon process and how to go about applying for a pardon. We would advise those individuals to call the Governor's Office, ask to speak to the paralegal in General Counsel's Office, and ask her to send them the pardon application form. Individuals would also occasionally contact lawyers in the General Counsel's Office to ask about the status of particular pardon applications, and we would then ask our paralegal—who maintained the pardon files—about the status and, if appropriate, would inform the individual of where the file was in the review process.

c. If yes, did any of those discussions ever take place via your personal email or personal cell phone?

Response: Yes, but not by any design on my end. I had no control over whether individuals chose to call me on my personal cell phone or e-mail me on my personal e-mail. Moreover, Kentucky law did not prohibit such communications.

2. One individual who received a pardon was Patrick Baker, who had been convicted of impersonating a U.S. Marshal, robbing a pregnant woman at gunpoint, and killing her husband.

During your hearing, you told Senator Welch that you were not aware of the "facts and circumstances" surrounding Mr. Baker's conviction.

a. Were you ever made aware that Terry Forcht, a major Republican Party donor, had requested that Governor Bevin issue a pardon for Mr. Baker?

Response: Yes, I was copied on a couple of e-mails from other staffers inquiring about the status or location of Mr. Baker's pardon file, and to the best of my recollection, one of those e-mails mentioned Mr. Forcht's interest in the matter. Because I was not reviewing the pardon file or working on that pardon request, I did not respond to those e-mails.

During your hearing, you repeatedly stated that you did not review the pardon file for or advise Governor Bevin on Mr. Baker's pardon. However, according to the *Louisville Courier Journal*, the phrase "Chad working" appeared next to Mr. Baker's name on a spreadsheet of clemency applications found in Bevin Administration records.

b. Were you ever a party to <u>any</u> discussions regarding Mr. Baker's case or pardon request with Governor Bevin, other members of Governor Bevin's staff, or outside parties weighing in on pardons?

Response: As I stated at the hearing, I did not review the file or advise the Governor on it. I recall being copied on a couple of e-mails from other staffers in the Governor's Office who were asking if anyone knew the status or location of Mr. Baker's pardon file. Because I was not familiar with the file and was not reviewing it, I did not respond to those e-mails. I do not recall any other specific communications about Mr. Baker or his pardon request. However, I cannot say for certain because it has been almost six years since the end of the administration, and it is conceivable that someone in the administration may have mentioned it to me in a way that has escaped my memory. What I do know for certain is that I did not review Mr. Baker's pardon file and did not make any recommendations or provide any advice to Governor Bevin or anyone else regarding Mr. Baker's pardon request.

3. Another individual who received a commuted sentence was Dayton Jones, a child predator who was convicted of sodomizing an unconscious boy and causing life-threatening injuries.

During your hearing, you again stated that you did not review Mr. Jones's pardon file or advise Governor Bevin on Mr. Jones's commutation.

Were you ever a party to <u>any</u> discussions regarding Mr. Jones's case or pardon request with Governor Bevin, other members of Governor Bevin's staff, or outside parties weighing in on pardons?

Response: I recall that a state legislator sent a text message advocating for a pardon or commutation for Mr. Jones to a few of the lawyers (including me) in the Governor's General Counsel's Office. I did not respond to that text message. I do not recall any other specific communications regarding Mr. Jones or his pardon request. However, I cannot say for certain because it has been almost six years since the end of the administration, and it is conceivable that someone in the administration may have mentioned it to me in a way that has escaped my memory. What I do know for certain is that I did not review Mr. Jones's pardon file and did not make any recommendations or provide any advice to Governor Bevin or anyone else regarding Mr. Jones's pardon request.

4. Another individual who received a pardon was Paul Donel Hurt, who had been convicted of sexually abusing his six-year-old stepdaughter.

Were you ever a party to <u>any</u> discussions regarding Mr. Hurt's case or pardon request with Governor Bevin, other members of Governor Bevin's staff, or outside parties weighing in on pardons?

Response: Governor Bevin called me at work one day a few weeks before the end of his term and told me that he had planned to go to a prison that day and personally inform two inmates that he had pardoned them, but that he had encountered scheduling problems and wanted me and two other lawyers from the General Counsel's Office to go and deliver that information on his behalf. One of those inmates was Justin Wibbels. I have no independent recollection of the name of the other inmate, but comparing my recollection of what my two colleagues told me on the way to the prison about the other inmate (which was not much as none of the three of us had been involved in the granting of that inmate's pardon or advising the Governor on it) with what I have read about Mr. Hurt on the internet in responding to this question, I believe that the other inmate was Mr. Hurt. I do not recall any other specific communications regarding Mr. Hurt or his pardon request. However, I cannot say for certain because it has been almost six years since the end of the administration, and it is conceivable that someone in the administration may have mentioned it to me in a way that has escaped my memory. What I do know for certain is that I did not review Mr. Hurt's pardon file and did not make any recommendations or provide any advice to Governor Bevin or anyone else regarding Mr. Hurt's pardon request.

5. Another individual who received a pardon was Micah Schoettle, who had been convicted of raping a nine-year-old child.

Were you ever a party to <u>any</u> discussions regarding Mr. Schoettle's case or pardon request with Governor Bevin, other members of Governor Bevin's staff, or outside parties weighing in on pardons?

Response: I recall that I was copied on an e-mail from the Governor to his General Counsel in which the Governor indicated that he would like to know more about Mr. Schoettle's situation. My recollection is that the General Counsel responded and said he would handle the matter. I do not recall any other specific communications regarding Mr. Schoettle or his pardon request. However, I cannot say for certain because it has been almost six years since the end of the administration, and it is conceivable that someone in the administration may have mentioned it to me in a way that has escaped my memory. What I do know for certain is that I did not review Mr. Schoettle's pardon file and did not make any recommendations or provide any advice to Governor Bevin or anyone else regarding Mr. Schoettle's pardon request.

6. Another individual who received a pardon was Kurt Smith, who had been convicted of murdering his six-week-old child.

Were you ever a party to <u>any</u> discussions regarding Mr. Smith's case or pardon request with Governor Bevin, other members of Governor Bevin's staff, or outside parties weighing in on pardons?

Response: I do not recognize that name, and to the best of my knowledge, I never had any communications with anyone about Mr. Smith or his pardon request. However, I cannot say for certain because it has been almost six years since the end of the administration, and it is conceivable that someone in the administration may have mentioned it to me in a way that has escaped my memory. Having now googled his name, I can say for certain that I never reviewed Mr. Smith's pardon file and did not make any recommendations or provide any advice to Governor Bevin or anyone else regarding Mr. Smith's pardon request.

7. As I noted at your hearing, you previously defended a Kentucky law that required doctors to present certain information to patients before performing an abortion procedure. As part of your defense of that law, you stated that "there are a number of patients who don't understand the nature of the fetus within them."

Are you aware of any other medical procedures in which the government compels speech from doctors on the basis that patients "don't understand" their medical needs?

Response: I am aware that jurisdictions across the country impose various informed-consent requirements within the practice of medicine. My understanding is that one of the reasons for imposing such requirements is that the complexity of medical procedures makes it difficult for patients to understand the

nature and consequences of particular procedures unless a physician presents them with certain information pertaining to the procedures.

8. Did President Trump lose the 2020 election?

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

9. Where were you on January 6, 2021?

Response: I do not have a precise recollection of my whereabouts on January 6, 2021, but I have no reason to believe I was anywhere other than my then-office in the State Capitol in Frankfort, Kentucky, and my home in Lexington, Kentucky.

10. Do you denounce the January 6 insurrection?

Response: The characterization of the events on January 6, 2021, is a subject of intense political debate. As a judicial nominee, it is not appropriate for me to weigh in on political debates. Moreover, to the extent that the issue involves debate about legal questions, it is not appropriate for me to commit to a particular position on the matter. Finally, should I be confirmed, it is conceivable that individuals involved in those events could come before me as parties in cases related to those events. If I were to characterize those events in any way, I could be seen as having prejudged those cases, and that would be inappropriate.

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

Response: Article II, § 2 of the United States Constitution gives the President the power to grant pardons. The exercise of that power is within the President's sole discretion. As a judicial nominee, it would be inappropriate for me to offer an assessment of a President's use of that authority.

12. 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: In general, litigants who disagree with a court order can obtain relief from that order by appealing it (if it is appealable), seeking a stay of the order, moving for reconsideration of the order, or petitioning for a writ of prohibition or

mandamus. As explained below, however, there are recognized circumstances where litigants have the option of defying a court order.

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

Response: The general rule is that parties to a case must obey court orders that are directed to them. Under this general rule, if a party does not want to obey the order, the party must first get the order set aside through the appellate process or by obtaining relief from the order through some other procedural mechanism, like a motion for a stay or reconsideration. However, courts and academics recognize a number of exceptions to this general rule. For example, it is generally recognized that a party is not bound by the order of a court that lacks jurisdiction and that a party is not required to comply with an order when it is impossible to do so. *See, e.g.*, *Smith v. Vanguard Grp., Inc.*, 129 N.E.3d 1216 (Ill. 2019) ("A party may refuse to obey an order where the court had no jurisdiction to make it …."); *United States v. Rylander*, 460 U.S. 752 (1983) (impossibility). Parties have also been excused from complying with a court order when they are subject to contradictory orders. *See, e.g.*, *Boone v. Riddle*, 86 S.W. 978 (Ky. 1905). In addition, I am aware of scholarship positing that parties are not obligated to comply with orders that are so clearly constitutionally erroneous as to be beyond rational question. *See* Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996). Further, courts have recognized that some orders can be appealed only if the party subject to the order first disobeys it and incurs a contempt sanction. *See, e.g.*, *Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100 (2009); *United States ex rel. Pogue v. Diabetes Treatment Ctrs. of Am., Inc.*, 444 F.3d 462 (6th Cir. 2006). Because a case involving the issues discussed in this response might come before me, I cannot opine as to the circumstances when any of these exceptions might apply, nor can I categorically pre-determine whether there are other potential exceptions to the general rule that parties must obey court orders that are directed to them. Should any such issues come before me, I would commit to resolving them according to the applicable law and precedents of the Sixth Circuit and the Supreme Court.

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

Response: Members of each branch of the federal government take an oath to uphold the Constitution and laws of the United States. *See* U.S. Const., art. II, § 1; art. VI. Accordingly, it is incumbent upon each branch to evaluate for itself whether any particular course of conduct that it might undertake is consistent with that oath. More specifically, the federal judiciary has authority under Article III of the Constitution to decide cases or controversies within its jurisdiction. To the extent that this question seeks a more specific opinion on the application of these

principles in discrete circumstances, it would be inappropriate for me, as a judicial nominee, to offer such an opinion.

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

a. Are non-party injunctions constitutional?

Response: In *Trump v. Casa, Inc.*, the Supreme Court held that a "universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power." 145 S. Ct. 2540 (2025). The decision "rest[ed] solely on the statutory authority that federal courts possess," and the Court "express[ed] no view on the Government's argument that Article III forecloses universal relief." *Id.* at 2550 n.4.

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

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

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

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

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

Response: I do not recall having sought such an injunction in any case where I was lead counsel. During my government service, the Commonwealth of Kentucky led or joined several multi-state lawsuits that may have sought such an injunction or the vacatur of a federal agency rule under the Administrative Procedure Act, but I cannot recall any such case specifically. In my private practice, I sought relief against the implementation of federal agency action under the Administrative Procedure Act in *East Kentucky Power Cooperative, Inc. v. EPA*, which is listed in my Senate Judiciary Questionnaire. However, I consider such relief under the Administrative Procedure Act to be different from a non-party injunction.

14. 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.

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

Response: The Twenty-second Amendment to the United States Constitution provides that "[n]o person shall be elected to the office of the President more than twice …." To the extent this question seeks an opinion on how this language would be applied in an abstract hypothetical scenario, it would be inappropriate for me, as a judicial nominee, to offer such an opinion. And to the extent that this question is eliciting an opinion on specific political debates or statement made by any political figures, it would be inappropriate for me, as a judicial nominee, to offer such an opinion.

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

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

Response: As a judicial nominee, it would be inappropriate for me to comment on political issues or statements made by political figures.

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

Response: As a judicial nominee, it would be inappropriate for me to comment on political issues or statements made by political figures.

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

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

Response: As a judicial nominee, it would be inappropriate for me to comment on political issues or statements made by political figures.

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

Response: As a judicial nominee, it would be inappropriate for me to comment on political issues or statements made by political figures.

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

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: As a past government official who has litigated many high-profile cases, I am accustomed to having images of myself shared in various forms of media, including social media. It does not bother me.

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

Response: It is not permissible for lower courts to depart from non-distinguishable, directly controlling Supreme Court precedent.

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

Response: My understanding is that different circuits follow different rules for overturning their own precedents. In the Sixth Circuit, "a three-judge panel may not overturn a prior decision unless a Supreme Court decision mandates modification of [circuit] precedent." *RLR Invs., LLC v. City of Pigeon Forge*, 4 F.4th 380, 390 (6th Cir. 2021). The Sixth Circuit may otherwise overrule its precedent only in an *en banc* proceeding. Federal Rule of Appellate Procedure 35(b)(1) and 6th Cir. I.O.P. 35(a) provide factors that the *en banc* court should consider in determining whether to overturn published circuit precedent, including, for example, whether the existing precedent has created a circuit split or conflicts with other decisions from the Sixth Circuit or the Supreme Court.

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

21.

Response: In determining whether to overrule its own precedent, the Supreme Court applies the *stare decisis* factors set out in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 268–90 (2022).

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

a. *Brown v. Board of Education*

Response: As I testified at the hearing, I am comfortable stating that *Brown v. Board of Education* and *Loving v. Virginia* were correctly decided because they are so deeply entrenched in American law that I do not believe there is a legitimate chance litigants will challenge them. As I understand it, this comports with the practices of other judicial nominees before this Committee. As to the other cases listed here, it would not be appropriate for me to grade the work of the Supreme Court or make assessments about whether I believe they were or were

not correctly decided. As a lower court judge, I would faithfully apply all binding precedents of the Supreme Court and the Sixth Circuit.

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

Response: *Plyler* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Questions 21.a. and 21.c.

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

Response: As I testified at the hearing, I am comfortable stating that *Brown v. Board of Education* and *Loving v. Virginia* were correctly decided because they are so deeply entrenched in American law that I do not believe there is a legitimate chance litigants will challenge them. As I understand it, this comports with the practices of other judicial nominees before this Committee. As to the other cases listed here, it would not be appropriate for me to grade the work of the Supreme Court or make assessments about whether I believe they were or were not correctly decided. As a lower court judge, I would faithfully apply all binding precedents of the Supreme Court and the Sixth Circuit.

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

Response: *Griswold* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Questions 21.a. and 21.c.

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

Response: *Trump* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Question 21.a. and 21.c.

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

Response: *Dobbs* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Question 21.a. and 21.c.

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

Response: *Bruen* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Question 21.a. and 21.c.

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

Response: *Obergefell* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Question 21.a. and 21.c.

i. *Bostock v. Clayton County*

Response: *Bostock* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Question 21.a. and 21.c.

j. *Masterpiece Cakeshop v. Colorado*

Response: *Masterpiece Cakeshop* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Question 21.a. and 21.c.

k. *303 Creative LLC v. Elenis*

Response: *303 Creative LLC* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Question 21.a. and 21.c.

l. *United States v. Rahimi*

Response: *Rahimi* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Question 21.a. and 21.c.

m. *Loper Bright Enterprises v. Raimondo*

Response: *Loper Bright Enterprises* is a binding precedent of the Supreme Court, and if confirmed, I would faithfully apply it. Otherwise, please see my responses to Question 21.a. and 21.c.

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

Response: As a district judge, my job would be to faithfully apply all applicable Supreme Court and Sixth Circuit precedent on questions of constitutional interpretation. If I were to encounter a question of constitutional interpretation that was not addressed by precedent from either of those higher courts, I would employ methods of interpretation used by the Supreme Court and the Sixth Circuit. Those courts have routinely interpreted constitutional and statutory provisions according to their original public meanings. *See, e.g.*, *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541

U.S. 36 (2004); *Energy Mich., Inc. v. Mich. Pub. Serv. Comm'n*, 126 F.4th 476 (6th Cir. 2025); *Johnson v. Bauman*, 27 F.4th 384 (6th Cir. 2022).

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

Response: Please see my response above to Question 22.

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

Response: The Supreme Court recognized such a right in *Obergefell v. Hodges*, 576 U.S. 644 (2015). As a lower court judge, I would be bound to apply *Obergefell* and all other precedents of the Supreme Court.

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

Response: The Supreme Court recognized such a right in *Loving v. Virginia*, 388 U.S. 1 (1967). As explained above in my responses to Questions 21.a and 21.c, I am comfortable stating that I agree that *Loving* was correctly decided. And, in any event, as a lower court judge, I would be bound to apply *Loving* and all other precedents of the Supreme Court.

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

Response: The Equal Protection Clause of the Fourteenth Amendment provides that no State may "deny to any person within its jurisdiction the equal protection of the laws," and the Due Process Clause of the Fourteenth Amendment provides that no State may "deprive any person of life, liberty, or property, without due process of law." As a lower court judge, it would be my duty to apply these clauses as they have been interpreted by the Supreme Court and the Sixth Circuit. At a very high level, I generally understand the Supreme Court to have held that the Equal Protection Clause prohibits State governments from classifying persons in ways that lack a rational basis or that infringe on fundamental rights or act on the basis of suspect or quasi-suspect classifications. *See, e.g.*, *Armour v. City of Indianapolis*, 566 U.S. 673 (2012). And, also at a very high level, I generally understand the Supreme Court to have interpreted the Due Process Clause to establish both procedural rules and substantive rights. *See, e.g.*, *Jones v. Flowers*, 547 U.S. 220 (2006) (procedural rules); *Meyer v. Nebraska*, 262 U.S. 390 (substantive rights).

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

Response: The Supreme Court has applied these provisions in the contexts of sex-based discrimination, *see, e.g.*, *United States v. Virginia*, 518 U.S. 515 (1996), and sexual

orientation, *see, e.g.*, *Romer v. Evans*, 517 U.S. 620 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003); *Obergefell v. Hodges*, 576 U.S. 644 (2015). As with all other precedents of the Supreme Court, I would faithfully apply those decisions if confirmed. To the extent this question seeks an opinion or commitment as to how I would rule on particular issues involving individuals in either of these groups, it would be inappropriate for me, as a judicial nominee, to provide such an answer.

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

Response: Please see my response above to Question 23.

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

Response: Please see my response above to Question 23.

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

Response: Should I be confirmed, I would follow all binding precedents of the Supreme Court and the Sixth Circuit regarding the scope of First Amendment protections. Because this question implicates issues that are the subject of ongoing litigation and could conceivable come before me if I am confirmed, it would be inappropriate for me, as a judicial nominee, to comment further.

32. 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: Should I be confirmed, I would follow all binding precedents of the Supreme Court and the Sixth Circuit regarding content-based and content-neutral speech regulations. The Supreme Court and the Sixth Circuit have identified a number of factors relevant to distinguishing between content-based and content-neutral regulations. Those factors, for example, include whether a law regulates speech based on "the topic discussed or the idea or message expressed." *City of Austin v. Reagan Nat'l Advertising of Austin, LLC*, 596 U.S. 61, 69 (2022) (quoting *Reed v. Town of Gilbert*, 576 U.S. 155 (2015)).

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

Response: In *Counterman v. Colorado*, 600 U.S. 66, 69 (2023), the Supreme Court held that "[t]rue threats of violence are outside the bounds of the First Amendment's protection and punishable as crimes." The Court further held that "[t]rue threats are 'serious expression[s]' conveying that a speaker means to 'commit an act of unlawful violence.'" *Id.* at 74 (quoting *Virginia v. Black*, 538 U.S. 343, 359 (2003)). Should I be

confirmed, I would faithfully follow *Counterman* and any other applicable binding precedents on this issue.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that might come before me if I were to be confirmed.

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

Response: As a judicial nominee, it is not appropriate for me to opine on legal questions that might come before me if I were to be confirmed.

36. 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: Because this issue is the subject of ongoing litigation, it is not appropriate for me, as a judicial nominee, to opine on it.

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: Because this issue is the subject of ongoing litigation, it is not appropriate for me, as a judicial nominee, to opine on it.

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

Response: No one should be denied a position in the judiciary because of race, religion, sex, ethnicity, or any other protected characteristic. I believe that the most important factor to consider in selecting judges is merit, and I believe that an important consideration in determining merit is the exposure to a wide array of viewpoints and personal and professional experiences.

38. 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: Federal judges are obligated to faithfully apply the First Step Act, just like any other federal statute. Should I be confirmed, I would do precisely that, and I would also faithfully apply any decisions from the Supreme Court and Sixth Circuit interpreting the First Step Act. Beyond this, I cannot comment on how the First Step Act should be applied in any particular set of circumstances.

b. Will you commit to fully and fairly considering appeals that come before you when reviewing sentencing law and its application to ensure that criminal sentences are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: Should I be confirmed to be a district judge, I would not be in a position that would require me to adjudicate appeals. However, if I were to sit by designation on an appellate court, I would faithfully and impartially apply all applicable laws and binding precedents that govern the sentencing of criminal defendants.

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

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

Response: I am unfamiliar with that statement, its context, or what its author intended to convey.

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

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

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

Response: As a judicial nominee, it would be inappropriate for me to comment on political issues or on statements made by political figures.

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

Response: As a judicial nominee, it would be inappropriate for me to make assessments of any individuals or to comment on political issues or on statements made by political figures.

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

Response: If confirmed, I would evaluate all of my associations and memberships for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other relevant laws and 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: I recall speaking with a then-Federalist Society employee named Lisa Ezell on a couple occasions during my selection process. I notified her of significant developments in my selection process, and she congratulated me following my nomination. It is possible that I communicated about my selection process with other individuals associated with the Federalist Society, but I do not recall having done so..

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 disclosed in my Senate Judiciary Questionnaire, I have spoken at a number of Federalist Society events throughout my career.

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

Response: Yes. For some—but not all—of my speaking engagements at Federalist Society events after returning to private practice at the end of 2021, I have received the Federalist Society's standard speaker's honorarium, which, to the best of my recollection is $1,500 per speech.

40. 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: I am not familiar with the Teneo Network and do not know who is associated with it. I have not had any communications with Leonard Leo during my selection process.

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. Not that I am aware of. I am not familiar with the Teneo Network.

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

Response: No.

41. 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 that I recall.

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: Not that I recall.

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.

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

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

Response: Not that I am aware of. I am not aware of the identities of everyone who is associated with AFPI.

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

Response: Not that I recall.

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

Response: No.

43. 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.

Not that I am aware of. I am not aware of the identifies of everyone who is associated with AFLI.

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

Response: Not that I recall.

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

Response: No.

44. 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 that I am aware of. I am not aware of the identities of everyone who is associated with the Article III Project.

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: Not that I recall.

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.

45. 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: Yes. I have several friends who are associated with ADF, one of whom is Kellie Fiedorek. I kept Ms. Fiedorek apprised of significant developments during my selection process, and she congratulated me following my nomination. It is possible that I communicated with other individuals associated with ADF, but I do not recall having done so.

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

Response: Yes. Other than events listed in my Senate Judiciary Questionnaire, I have assisted ADF with moot arguments and have occasionally been a sounding board for ADF.

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

Response: Yes. To the best of my recollection, I have been paid two honoraria for speaking at ADF conferences. To the best of my recollection, one honoraria was $1,000, and the other was $750.

According to your Questionnaire, you have participated in at least one event with ADF, which vigorously opposes marriage equality and the rights of LGBTQ+ couples to adopt children. One of ADF's founders attributed the 2012 Sandy Hook Elementary School shooting and the 2019 El Paso shooting to the LGBTQ+ movement causing "family disruption."

d. Do you think the LGBTQ+ rights movement has caused family disruption?

Response: As a judicial nominee, it would not be appropriate for me to comment on political or social debates.

e. Do you think the LGBTQ+ rights movement is to blame for mass shootings?

Response: As a judicial nominee, it would not be appropriate for me to comment on political or social debates.

The ADF opposed overturning anti-sodomy laws, claiming that it would lead to the legalization of pedophilia. In its amicus brief in *Lawrence v. Texas*, the organization claimed that it was "clearly" "reasonable to believe that same-sex sodomy is a distinct public health problem."

f. Has the Supreme Court's ruling in *Lawrence* led to the legalization of pedophilia?

Response: I am unfamiliar with the brief that this question addresses, and so it is not appropriate for me to comment on it. I am not aware that pedophilia has been legalized anywhere.

g. Do you agree with the ADF that sodomy or other sexual activity between consenting adults is a distinct public health problem?

Response: I am unfamiliar with the brief that this question addresses, and so it is not appropriate for me to comment on it.

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

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

Response: I have not communicated with Leonard Leo or Carrie Severino during my selection process. To the best of my knowledge, I have not communicated with any individuals associated with the Concord Fund, the Judicial Crisis Network, the 85 Fund, the Honest Election Project, or the Judicial Education Project. However, I am not aware of the identities of everyone who is associated with those organizations.

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

Response: Not that I recall.

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 do not understand what this question means when it refers to "undisclosed donations to front organizations." Moreover, I am not aware of what activities private groups and individuals might be undertaking to support or oppose my nomination. However, if I am confirmed, any advocacy for or against my nomination will have no impact on my decision making as a judge. To the extent this question asks me to comment on political activity or political organizations, it would be inappropriate for me, as a judicial nominee, to do so.

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 both the appearance of impartiality and actual impartiality are important in maintaining public confidence in the judiciary. Should I be confirmed, I would address all actual or potential conflicts of interest according to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other relevant laws and rules. To the extent this question is asking whether I think such donations should be made public as a policy matter, it is inappropriate for me, as a judicial nominee to opine on that issue.

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 responses above to Questions 45.d–e. Moreover, as a judicial nominee, it is not appropriate for me to condemn any individuals or groups because they might appear before me as parties if I am confirmed. To the extent this question is asking whether I think such donations should be made public as a policy matter, it is inappropriate for me, as a judicial nominee to opine on that issue.

Nomination of Chad Meredith
Nominee to the United States District Court for the Eastern District of Kentucky
Questions for the Record
Submitted August 6, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

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

1. You were Deputy General Counsel to Kentucky Governor Matt Bevin. Describe your involvement with the pardons that Governor Bevin issued at the end of his term.

    a. Did you vet candidates for a pardon? Please provide a list of all individuals you vetted who ultimately received pardons from Governor Bevin.

    Response: During the four years that I worked in the Governor's Office, the Governor instructed lawyers in his administration to gather periodically to review pardon files to determine whether any files potentially met his standards for a pardon. As I understood the Governor's policy, he wanted to grant pardons for individuals who had low-level offenses (like drug possession or non-violent theft offenses) and who had fully served their prison sentences and turned their lives around and demonstrated a lengthy track record of obeying the law and contributing to their communities. It was also my understating that individuals who had been convicted of violent offenses or sex offenses did not fit the Governor's criteria for eligibility for a pardon and that we should therefore not recommend such individuals for a pardon. I applied these understandings when participating in the periodic pardon-file review sessions. During those sessions, if our review of a pardon file did not reveal circumstances that met the Governor's criteria for a pardon, then my understanding was that we were to recommend against a pardon. And if a pardon file did appear to meet the Governor's criteria for a pardon, then we were to pass it along to the Governor with a recommendation that it met his criteria for a pardon. During those review sessions, there were instances where I found pardon files that I believed met the Governor's stated criteria for his discretionary grant of a pardon. I do not recall the identities of those individuals.

    In addition, as I stated at the hearing, I remember reviewing the pardon file for an individual named Irvin Edge, and I recommended that he not receive a pardon. I learned after the end of the Governor's term that Mr. Edge had nevertheless received a pardon.

    In addition, I—along with other lawyers in the Governor's General Counsel's Office—reviewed the pardon file for an individual named Justin Wibbels. My recollection is that Mr. Wibbels was a young man in his early 20s who was gainfully employed and married with a young child when he was involved in a car accident on his way to work one day in 2014. The accident resulted in the death of another driver. It is also my recollection that because there was evidence that

Mr. Wibbels was driving recklessly, he was charged with a vehicular-homicide offense. He went to trial and was convicted and sentenced to 20 years in prison. Because the evidence showed that Mr. Wibbels was not intoxicated or engaged in distracted driving, we believed that the sentence was too harsh and should be commuted but not pardoned. As tragic as the circumstances were, we did not believe that they warranted keeping a productive citizen who otherwise had no criminal record in prison for 20 years and forcing his son to grow up without a father. Our review of the situation was also influenced by the fact that other individuals serving prison sentences for similar crimes had received pardons or commutations from other governors even though their offenses appeared to involve much more egregious circumstances. So we also believed that Mr. Wibbels was serving time in prison when others who had acted more culpably in committing similar offenses had been pardoned or had their sentence commuted. Ultimately, because there was some evidence supporting the allegation that Mr. Wibbels had been driving recklessly, I did not believe that a full pardon was appropriate. Instead, I was in favor of reducing the length of his sentence via a commutation. I did not personally advise the Governor regarding Mr. Wibbels, but my understanding was that we—meaning the lawyers in the General Counsel's Office—collectively recommended a commutation rather than a pardon. I was later informed that the Governor had elected to grant Mr. Wibbels a full pardon instead of a commutation.

b. Did you recommend names of candidates for a pardon? Please provide a list of all individuals you recommended who ultimately received pardons from Governor Bevin.

Response: Please see my response above to Question 1.a.

c. Did you otherwise advise on particular pardons? Please provide a list of all individuals you provided advice on who ultimately received pardons from Governor Bevin.

Response: Please see my response above to Question 1.a.

2. Who is Patrick Baker?

Response: My understanding is that he is an individual who received a pardon from Governor Bevin.

3. Why did Governor Bevin issue a pardon to Baker at the end of his term?

Response: I did not advise Governor Bevin on that pardon, so I have no first-hand knowledge of that. From reading reports in the media, I gather that Governor Bevin believed Mr. Baker to be innocent of the crime of which he was convicted.

4. Before Governor Bevin pardoned Baker, were you aware that Baker's family donated to Governor Bevin's campaign and held a fundraiser to retire Bevin's campaign debt?

Response: Not that I recall. I believe that I learned that by reading about it in the media.

5. **What was your role with respect to vetting, advising, or otherwise working on matters related to the Baker pardon?**

   Response: As I stated at the hearing, I did not review the file or advise the Governor on it. I recall being copied on a couple of e-mails from other staffers in the Governor's Office regarding whether anyone knew the status or location of Mr. Baker's pardon file. Because I was not familiar with the file and was not reviewing it, I did not respond to those e-mails.

6. **Do you recognize the attached spreadsheet of pardon candidates from the end of the Bevin administration, which was the subject of an open records request and public reporting by the Louisville Courier-Journal?**

   Response: No, I do not recognize it.

   a. **Was this document used to keep track of the status of various potential pardons while you worked for Governor Bevin?**

      Response: I do not know.

   b. **Why does the spreadsheet say "Chad working" next to the entry for Patrick Baker?**

      Response: I do not know. I have no way of knowing whether that document is authentic. If it is, then someone simply made a mistake because I did not work on that pardon file. Moreover, nearly all of my time and attention at the end of the administration were focused on preparing for an oral argument that I had at the Sixth Circuit on December 6, 2019, which was the next-to-last business day of the administration. So even if it is authentic, that document is not the kind of thing that would have come to my attention.

   c. **The spreadsheet also says "Chad working" next to the entry for Michael O'Bryan. Did you work on or have any involvement with the consideration of Michael O'Bryan for a pardon?**

      Response: I do not recognize that name or recall having any involvement with a pardon for any individual with that name.

   d. **Do you recognize the handwriting on this spreadsheet? Whose is it?**

      Response: I do not recognize that handwriting.

7. After you left the governor's office, you retained hundreds of pages of public records, prompting the Kentucky Finance Cabinet Secretary to sue you for return of the documents.

a. Why did you retain those documents?

Response: It is not accurate to say that I "retained" the documents, nor do I believe it is accurate to refer to "hundreds of pages." There were a handful of e-mail threads pertaining to my work in state government that were sent to my personal e-mail account during the course of my service in the Governor's Office. Kentucky is a small state, and government officials often have pre-existing friendships with each other and with a wide array of constituents. This means that many people have the personal contact information for state government officials. As a result, it is not uncommon for state government officials to receive e-mails related to their work on their personal e-mail accounts. There was no way to prevent that, and there was an official Attorney General's Opinion holding that communications on private devices did not qualify as public records, even if they pertained to official business. So when I left the Governor's Office, I did not elect to "retain" any public records. Rather, there were a handful of e-mails in my personal e-mail account that pertained to my work in the Governor's Office, and they simply stayed there passively. Under Kentucky law at the time—by virtue of an official Attorney General's Opinion—they did not qualify as public records. Moreover, the official archiving schedule for the Governor's Office did not require that such documents be retained and archived.

b. Were any of those documents related to your work on Governor Bevin's pardon decisions? How many?

Response: I believe that there were less than two dozen e-mail threads that related in some way to Governor Bevin's pardon process. When officials started calling for investigations of Governor Bevin, I made sure to identify and preserve those documents in case any investigating agencies might want to review them at some point. I thought that was the most responsible thing to do.

c. How many other documents did you retain? What subject matters did they cover?

Response: Again, I did not "retain" any documents, and under Kentucky law at the time, e-mails in my personal e-mail account did not qualify as public records and were not subject to the archiving schedule. I recall also locating a small number of e-mails pertaining to the work of the Finance and Administration Cabinet.

d. Did you return all documents related to your official duties that were in your possession?

Response: To the best of my knowledge, any document that was in my possession that related to my official duties in the Governor's Office is in the possession of the current Governor's administration. The only potential exceptions I can think of—which I do not believe are responsive to this question, but which I will mention out of an abundance of caution—are a certificate that I

received from the Governor when he commissioned me as a member of the Honorable Order of Kentucky Colonels as a commendation for my service to the Commonwealth, a copy of a resolution from the state legislature commending the lawyers in the Governor's General Counsel's Office for our service to the Commonwealth, newspaper clippings and copies of media reports regarding news stories related to my work in state government, photographs depicting my time in the Governor's Office, and other such personal memorabilia.

In the summer of 2020, more than six months after I left the Governor's Office (and shortly after the media had reported that I was being considered for a judicial appointment), the current Governor's administration sent me an administrative subpoena seeking documents related to my work in the Governor's Office. I initially produced all of the documents in my possession that I believed I could produce consistent with my ethical duties as an attorney. There were other documents that I believed to be subject to the attorney-client privilege, and because my client was Governor Matt Bevin rather than the current Governor, I was concerned that I might be violating my ethical obligations as an attorney if I produced them without first obtaining a waiver of the privilege from Governor Bevin. So I felt compelled to partially object to the subpoena on privilege grounds and asked the current Governor's administration if they would give me a short extension of time (a mere 24 hours if I recall correctly) to obtain a waiver. They refused to grant me that modest extension and then sued me. Despite the current Governor's administration's unwillingness to extend me the courtesy of a short extension, I worked proactively to obtain a waiver from Governor Bevin and then produced the remaining documents voluntarily. The current Governor's administration then dismissed its lawsuit. The lawsuit was filed on July 21, 2020, and dismissed on July 23, 2020.

e. Did you perform any work related to the governor's pardon decisions on personal email? Did you communicate about any other official matters on personal email?

Response: See above. Over the course of four years in the Governor's Office, I received a handful of e-mails on my personal e-mail account pertaining to the pardon process. My recollection is that they did not involve substantive discussions of the merits of pardon applications, but instead were inquiries about the status of pardon applications. There were also a limited number of other instances over the course of four years in which I received personal e-mails regarding my work in state government. Kentucky law did not prohibit that, and frankly, there was no way for me to prevent it.

f. Have you returned to the state all official communications on private email?

Response: Under Kentucky law, communications on my private e-mail were not public records. However, I have given the current Governor's administration all documents in my personal e-mail related to my work in the Governor's Office.

Nomination of Chad Meredith to the
United States District Court for the Eastern District of Kentucky
Questions for the Record
Submitted August 6, 2025

QUESTIONS FROM SENATOR COONS

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

   Response: No.

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

      Response: No.

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

   Response: My judicial philosophy is best characterized by the vision of the judiciary articulated in Federalist No. 78. In other words, I believe that judges should exercise only judgment, not will, and that society has nothing to fear from judicial power alone, but everything to fear from its combination with the other branches of government. Thus, I believe that judges should say what the law is, not what they think it ought to be. This means that a judge must always adhere to the rule of law, no matter whether the judge is personally pleased with the outcome it produces. In all circumstances, judges should set aside their own desires and policy preferences and simply do what the law commands.

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

   Response: My understanding is that the Supreme Court's decision in *Dobbs v. v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), sets forth the prevailing analysis for determining whether a right is fundamental and protected under the Fourteenth Amendment. Under that analysis, a right is fundamental and protected under the Fourteenth Amendment if it deeply rooted in the nation's history and tradition and consistent with the concept of ordered liberty. *See id.* at 231 (quoting *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997)).

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

Response: Yes, as consistent with applicable precedent of the Supreme Court. *See, e.g.*, *Timbs v. Indiana*, 586 U.S. 146, 151 (2019) (addressing whether the Fourteenth Amendment's Due Process Clause incorporats the enumerated protection of the Eighth Amendment's Excessive Fines Clause); *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010) (same for Second Amendment).

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

Response: Yes, using the instruction and types of sources set forth in *Dobbs*, 597 U.S. at 237–40, as well as other Supreme Court precedents pertaining to this issue.

c. Would you consider whether the right has previously been recognized by Supreme Court precedent or another by Circuit Court?

Response: Yes. If any applicable precedent of the Supreme Court or the Sixth Circuit has recognized the right at issue, that would control the analysis. In the absence of any such precedent, any relevant decisions of other circuits may be consulted for their persuasive value.

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

Response: Yes.

e. What other factors would you consider?

Response: I would consider any other factor that the Supreme Court or Sixth Circuit has identified as relevant to assessing whether the Constitution protects an asserted right under a theory of substantive due process.

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

Response: No, it is not permissible for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court.

5. 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."

a. If confirmed, would you recuse yourself from future cases involving challenges to Tennessee laws on which your father, a member of the Tennessee State Senate, voted affirmatively in the state legislature?

Response: I assume that you mean Kentucky instead of Tennessee as my father is a member of the Kentucky State Senate. If confirmed, this is an issue that I would take very seriously and would devote significant attention to if the issue were to arise. If this issue were to arise in a particular case, I would carefully study 28 U.S.C § 455 and all applicable precedents interpreting it, and I would likely ask the parties for their views as well. It is conceivable to me that recusal might be necessary in some circumstances, but I am not sure that it would be necessary in all circumstances. In any event, I will do whatever the law compels me to do.

b. Would you recuse yourself from future cases involving challenges to Tennessee laws your father voted against as a member of the Tennessee State Senate?

Response: Please see my response above to Question 5.a.

c. Would you recuse yourself from future cases involving any of the work you did as Solicitor General in Kentucky, or as Chief Deputy General Counsel to then-Governor Matt Bevin?

Response: Yes.

6. Did you ever advise Governor Matt Bevin on decisions about issuing pardons and/or commutations?

Response: During the four years that I worked in the Governor's Office, the Governor instructed lawyers in his administration to gather periodically to review pardon files to determine whether any files potentially met his standards for a pardon. As I understood the Governor's policy, he wanted to grant pardons for individuals who had low-level offenses (like drug possession or non-violent theft offenses) and who had fully served their prison sentences and turned their lives around and demonstrated a lengthy track record of obeying the law and contributing to their communities. It was also my understating that individuals who had been convicted of violent offenses or sex offenses did not fit the Governor's criteria for eligibility for a pardon and that we should therefore not recommend such individuals for a pardon. I applied these understandings when participating in the periodic pardon-file review sessions. During those sessions, if our review of a pardon file did not reveal circumstances that met the Governor's criteria for a pardon, then my understanding was that we were to recommend against a pardon. And if a pardon file did appear to meet the Governor's criteria for a pardon, then we were to pass it along to the Governor with a recommendation that it met his criteria for a pardon.

During those review sessions, there were instances where I found pardon files that I believed met the Governor's stated criteria for his discretionary grant of a pardon.

In addition, as I stated at the hearing, I remember reviewing the pardon file for an individual named Irvin Edge, and I recommended that he not receive a pardon. I learned after the end of the Governor's term that Mr. Edge had nevertheless received a pardon.

In addition, I—along with other lawyers in the Governor's General Counsel's Office—reviewed the pardon file for an individual named Justin Wibbels. My recollection is that Mr. Wibbels was a young man in his early 20s who was gainfully employed and married with a young child when he was involved in a car accident on his way to work one day in 2014. The accident resulted in the death of another driver. It is also my recollection that because there was evidence that Mr. Wibbels was driving recklessly, he was charged with a vehicular-homicide offense. He went to trial and was convicted and sentenced to 20 years in prison. Because the evidence showed that Mr. Wibbels was not intoxicated or engaged in distracted driving, we believed that the sentence was too harsh and should be commuted but not pardoned. As tragic as the circumstances were, we did not believe that they warranted keeping a productive citizen who otherwise had no criminal record in prison for 20 years and forcing his son to grow up without a father. Our review of the situation was also influenced by the fact that other individuals serving prison sentences for similar crimes had received pardons or commutations from other governors even though their offenses appeared to involve much more egregious circumstances. So we also believed that Mr. Wibbels was serving time in prison when others who had acted more culpably in committing similar offenses had been pardoned or had their sentence commuted. Ultimately, because there was some evidence supporting the allegation that Mr. Wibbels had been driving recklessly, I did not believe that a full pardon was appropriate. Instead, I was in favor of reducing the length of his sentence via a commutation. I did not personally advise the Governor regarding Mr. Wibbels, but my understanding was that we—meaning the lawyers in the General Counsel's Office—collectively recommended a commutation rather than a pardon. I was later informed that the Governor had elected to grant Mr. Wibbels a full pardon instead of a commutation.

7. During your nomination hearing you said that you "learned about the Governor's last-minute controversial pardons in the media after we left office."

    a. Which "last-minute controversial pardons" were you referring to in that statement?

    Response: I was referring to the pardons that Governor Bevin issued in his last couple of days in office that were widely reported in the media and engendered significant public outrage. I do not remember the identities of the recipients of all those pardons.

8. **Did you ever advise Governor Bevin on his decision to issue a pardon to Patrick Baker, a defendant convicted of pretending to be a U.S. Marshal, robbing a pregnant woman at gunpoint and killing her husband before stealing Oxycodone from the victims' residence?**

   Response: As I testified at the hearing, I did not review Mr. Paker's pardon file and did not advise the Governor on Mr. Baker's pardon.

   a. **Were you made aware of Patrick Baker's pardon request before Governor Bevin issued him a pardon?**

      Response: I recall being copied on a couple of e-mails from other staffers in the Governor's Office who were asking if anyone knew the status or location of Mr. Baker's pardon file. Because I was not familiar with the file and was not reviewing it, I did not respond to those e-mails.

   b. **Did you ever have a conversation with anyone about Patrick Baker's pardon request? If so, who?**

      Response: Please see my response above to Question 8.a. I do not recall having any specific conversations with anyone about Patrick Baker's pardon request. However, I cannot say for certain because it has been almost six years since the end of the administration, and it is conceivable that someone in the administration may have mentioned it to me in a way that has escaped my memory. What I do know for certain is that I did not review Mr. Baker's pardon file and did not make any recommendations or provide any advice to Governor Bevin or anyone else regarding Mr. Baker's pardon request.

   c. **If so, did you ever take a position in that conversation as to whether Governor Bevin should or should not issue a pardon to Patrick Baker?**

      Response: Please see my response above to Question 8.a. I never took a position on Mr. Baker's pardon request because I did not review the pardon file and therefore did not have enough knowledge or information on which to take a position. Moreover, no one ever asked me to take a position or give my opinion on the matter.

   d. **Were you ever included in email correspondence about Patrick Baker's pardon request? If so, with whom?**

      Response: Please see my response above to Question 8.a. To the best of my recollection, those e-mails were from the Governor's Chief of Staff and the Governor's General Counsel.

   e. **If so, did you ever take a position in that email exchange as to whether Governor Bevin should or should not issue a pardon to Patrick Baker?**

Response. Please see my response above to Question 8.a. I never took a position on Mr. Baker's pardon request because I did not review the pardon file and therefore did not have enough knowledge or information on which to take a position. Moreover, no one ever asked me to take a position or give my opinion on the matter.

f. Before Governor Bevin issued Patrick Baker a pardon, were you aware that Patrick Baker's brother was a political donor to Governor Bevin?

Response: Not that I recall. I believe that I learned that by reading about it in the media.

g. Was Governor Bevin's pardon of Patrick Baker one of the "last-minute controversial pardons" that you learned about in the media after you left office?

Response: Yes.

h. Do you think Governor Bevin made the right decision to pardon Patrick Baker?

Response: As a judicial nominee, it is not appropriate for me to evaluate the discretionary decisions of executive branch officials.

i. If you had been the governor of Kentucky, would you have pardoned Patrick Baker?

Response: Please see my response above to Question 8.h.

9. Did you ever advise Governor Bevin on his decision to commute the sentence of Dayton Jones?

Response: No.

a. Do you think Governor Bevin made the right decision to pardon Dayton Jones?

Response: As a judicial nominee, it is not appropriate for me to evaluate the discretionary decisions of executive branch officials.

b. If you had been the governor of Kentucky, would you have pardoned Dayton Jones?

Response: Please see my response above to Question 9.b.

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

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

    Response: If confirmed, I would faithfully apply any relevant precedents of the Supreme Court and the Sixth Circuit governing the consideration of such evidence.

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

    Response: If confirmed, I would faithfully apply any relevant precedents of the Supreme Court and the Sixth Circuit governing the consideration of such evidence. The admissibility of scientific, technical, or other specialized knowledge in the determination of adjudicative facts is governed by Federal Rule of Evidence 702 and the applicable precedent construing that rule, among other standards.

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

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

Response: Yes, if confirmed, I would endeavor to faithfully follow 18 U.S.C. §§ 3553 and 3583, including by thoughtfully imposing supervision based on the factors that § 3583(c) requires sentencing judges to consider.

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

Response: In enacting § 3583(e)(1) into law, Congress necessarily determined that it is good policy and that early termination is appropriate in some circumstances. Should I be confirmed, I would faithfully apply § 3583(e)(1), just as I would all other duly enacted statutes.

c. If confirmed, will you commit 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.

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

Response: I am aware that the Supreme Court held in *Mississippi v. Johnson*, 71 U.S. 475 (1867), that it lacked jurisdiction to consider a claim that the President had failed to fulfill his obligation to faithfully execute the laws. I am unaware that the Supreme Court has otherwise directly addressed the justiciability of such claims or the appropriate remedy for such claims. How this case—or any other case involving the Take Care Clause—might apply to a course of action by a President is an issue that could come before me if I am confirmed, so it is inappropriate for me, as a judicial nominee, to comment further.

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

Response: The Twenty-second Amendment to the United States Constitution provides that "[n]o person shall be elected to the office of the President more than twice …." To the extent this question seeks an opinion on how this language would be applied in an abstract hypothetical scenario, it would be inappropriate for me, as a judicial nominee, to offer such an opinion. And to the extent that this question is eliciting an opinion on specific political debates or statement made by any political figures, it would be inappropriate for me, as a judicial nominee, to offer such an opinion.

14. Who won the 2020 U.S. Presidential Election? I am not asking who Congress certified as the President.

Response: Respectfully, I believe that this question requires me to answer with reference to who was certified as the winner of the Electoral College vote in the 2020 election

because that is the constitutionally prescribed process for prevailing in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. Joe Biden was certified as the winner in 2020, and he served as the 46th President. To the extent that 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, it would be inappropriate for me, as a judicial nominee, to provide such an opinion.

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

Response: This barebones hypothetical does not contain enough information to provide a reasoned answer. Moreover, to the extent this question could reasonably be construed as calling for my opinion on a political matter, or a pending case, or a question that might come before me, it would be inappropriate for me, as a judicial nominee, to provide such an opinion.

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

Response: The characterization of the events on January 6, 2021, is a subject of intense political debate. As a judicial nominee, it is not appropriate for me to weigh in on political debates. Moreover, to the extent that the issue involves debate about legal questions, it is not appropriate for me to commit to a particular position on the matter. Finally, should I be confirmed, it is conceivable that individuals involved in those events could come before me as parties in cases related to those events. If I were to characterize those events in any way, I could be seen as having prejudged those cases, and that would be inappropriate.

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

Response: Because this question asks about currently alleged political disputes, it would be improper for me, as a judicial nominee, to offer an opinion.

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

Response: Because this question asks about currently alleged political disputes, it would be improper for me, as a judicial nominee, to offer an opinion.

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

Response: The Supreme Court recognized a constitutional right to the use of contraceptives in *Griswold v. Connecticut*, 381 U.S. 479 (1965).

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

Response: The Supreme Court has recognized a constitutional right to interstate travel. *See Saenz v. Roe*, 526 U.S. 489 (1999).

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

Response: This question is too abstract and vague to be answered, and in any event, it is not appropriate for me, as a judicial nominee, to opine on how the law would apply in this abstract hypothetical scenario involving a question that could come before me if I am confirmed.

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

Response: The Supreme Court has recognized a right to privacy under certain circumstances.

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

Response: I am aware that the Supreme Court has addressed related questions in cases like *Whalen v. Roe*, 429 U.S. 589 (1977), and *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52 (1976). As a judicial nominee, it would be inappropriate for me to opine as to how these decisions—or any others—might apply in this abstract hypothetical situation because it involves questions that might come before me if I am confirmed.

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

Response: This question is too abstract and vague to be answered. I am not sure what the term "surveil" encompasses. In any event, it is not appropriate for me, as a judicial nominee, to opine on how the Constitution should be interpreted in this abstract hypothetical scenario because it involves questions that might come before me if I am confirmed.

22. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: I am not aware that the Supreme Court or Sixth Circuit have recognized such a right. The only case I am aware of that addresses that question is *Morrissey v. United States*, 871 F.3d 1260 (11th Cir. 2017), which decided the question in the negative, and it would not be binding precedent in the Sixth Circuit. As a judicial nominee, it is not appropriate for me to opine on the issue because it could be the subject of litigation.

23. In the years since the Supreme Court overturned *Roe v. Wade*, voters in Kentucky and in multiple other states have voted against efforts to restrict access to abortion. In Kentucky specifically, voters defeated a proposed constitutional amendment that would have added a provision to the Kentucky Constitution stating that Kentucky citizens do not have a right to abortion. Nevertheless, you have maintained a strong anti-abortion stance throughout your career, working to shut down abortion clinics in Kentucky, defending abortion bans after six weeks, and defending laws requiring ultrasound imagery be provided to patients, regardless of the patient's wishes.

    a. If confirmed, will you recuse yourself from cases involving abortion laws for which you previously advocated?

    Response: If confirmed, I would recuse from any case in which I previously appeared as an advocate. In all other cases, I would faithfully adhere to the requirements of 28 U.S.C § 455 and all applicable precedents interpreting it, as well as the requirements of the Code of Conduct of U.S. Judges, and any other relevant rules.

    b. If a case dealing with abortion comes before you, how will you determine whether your prior advocacy necessitates recusal?

    Response: Please see my response above to question 23.a.

24. In the years since the Supreme Court overturned *Roe v. Wade*, voters in Kentucky and in multiple other states have voted against efforts to restrict access to abortion. In Kentucky specifically, voters defeated a proposed constitutional amendment that would have added a provision to the Kentucky Constitution stating that Kentucky citizens do not have a right to abortion. Nevertheless, you have maintained a strong anti-abortion stance throughout your career, working to shut down abortion clinics in Kentucky, defending abortion bans after six weeks, and defending laws requiring ultrasound imagery be provided to patients, regardless of the patient's wishes.

    a. If confirmed, will you recuse yourself from cases involving abortion laws for which you previously advocated?

    Response: Please see my response above to Question 23.a.

25. If a case dealing with abortion comes before you, how will you determine whether your prior advocacy necessitates recusal?

Response: Please see my response above to Question 23.a.

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

Response: Judges are to adjudicate all claims fairly, regardless of the identity of the parties. *See* 28 U.S.C. § 453. 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). As a judicial nominee, it would be inappropriate for me to comment on how this holding should be applied in any particular circumstances because such questions might come before me if I am confirmed.

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

Response: If confirmed, I would follow applicable Supreme Court and Sixth Circuit precedent in interpreting any constitutional provision. In some circumstances, the Supreme Court has considered the public's original understanding of a constitutional provision to be highly important. *See, e.g.*, *Crawford v. Washington*, 541 U.S. 36 (2004). In other areas, the Supreme Court has adopted a more evolving-standards approach. *See, e.g.*, *Roper v. Simmons*, 543 U.S. 551 (2005).

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

Response: Please see my response above to Question 27.

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

Response: Judges should make decisions based on the law, not based on their own personal views of morality or policy preferences.

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

Response: Depending on the circumstances, a judge might consider the practical consequences in ruling on certain requests for equitable relief, like a temporary restraining order or preliminary injunction. Other than those limited circumstances, judges should make decisions based solely on what the law requires, without concern for the practical consequences of any ruling.

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

Response: The role of a judge is to faithfully and impartially apply the law to adjudicate cases and controversies over which they preside. Those decisions should be made solely on the basis of the law, including applicable precedents from higher courts and any applicable statutory, regulatory, or constitutional text. If the applicable law allows for consideration of a party's life experiences and circumstances, then it would be appropriate to consider such factors. Otherwise, judges should not substitute their own sense of justice or feelings of empathy for the requirements of the law. In all cases, of course, judges should treat the parties and attorneys appearing before them with respect and dignity.

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

Response: The role of a judge is to faithfully and impartially apply the law to adjudicate cases and controversies over which they preside. Judges should make decisions based solely on the law and the evidence before them. A judge's life experiences will hopefully have prepared him or her to exercise the judicial office with understanding, diligence, integrity, and impartiality, but a judge's life experiences should not override or influence the judge's evaluation of the law and evidence in any case. To do otherwise would risk allowing judicial decision making to be tainted by bias and prejudice.

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

Response: There are procedural mechanisms—like a motion for a stay, or a motion for reconsideration—through which parties can obtain relief from orders directed against them. I would fairly and impartially entertain such mechanisms when requested to do so. As a judicial nominee, it would not be appropriate for me to comment further on the circumstances when such procedural mechanisms might be appropriate because issues related to this question might come before me if I am confirmed.

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

Response: Please see my response above to Question 33.

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

Response: Should a party allege that such a scenario has occurred, I would begin by reviewing the relevant order and the alleged conduct in question to determine whether there appears to be non-compliance with the order. If so, I would invite briefing and argument on the issue, and I would assess the potential applicability of recognized defenses. If necessary, I would apply the Sixth Circuit's standards for contempt or other potential remedies.

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

Response: I have many role models. As I shared during the hearing, I particularly admire and respect the judges for whom I clerked, Judge John M. Rogers and Judge Amul R. Thapar.

35. Discuss your proposed hiring process for law clerks.

Response: I have not yet determined a definite hiring process for law clerks in the event that I am confirmed. However, if I am confirmed, I anticipate that I will seek out law clerks with demonstrated academic excellence, strong research and writing skills, intellectual curiosity, enthusiastic recommendations from law professors and past employers, pleasant and collegial personalities, and a commitment to the rule of law and public service.

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

Response: I am opposed to all discrimination on the basis of protected characteristics. To the extent this question asks me to opine on a policy question, it would be inappropriate for me, as a judicial nominee, to provide such an opinion.

36. In the past year, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure that 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: Sexual harassment, discrimination, and all other forms of misconduct will have no place in my chambers. I will proactively work to ensure that the highest level of professionalism is maintained in my chambers. I will also proactively work with all relevant authorities, including the Administrative Office of the Courts and the Chief Judges of the Sixth Circuit and the Eastern District of Kentucky to implement appropriate policies and practices to ensure that law clerks and judicial assistants who work in my chambers are treated with respect and not subject to misconduct.

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

Response: Please see my response above to Question 36.a.

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

Response: Please see my response above to Question 36.a.

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

Response: I am not familiar with this practice but am open to considering it if I am confirmed. While I would be hesitant to take any action that might intrude upon the rights of parties and their lawyers to practice a case as they see fit, I recognize the value of providing in-court speaking opportunities for junior lawyers. When I was a junior lawyer, I had many opportunities for oral arguments in state and federal trial and appellate courts. Those opportunities undoubtedly helped me to develop my skills as a lawyer and advance my career, and I understand that creating such opportunities for junior lawyers in the future will not only benefit them, but also the entire legal profession.

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

Response: I have not given any thought to specific ways to address this issue, but I understand the importance of helping junior lawyers develop their skills, and I would be happy to consider suggestions from colleagues and other lawyers about how to do so. More generally, I would help junior lawyers develop their skills by treating them with the same level of respect and dignity with which I endeavor to treat everyone while also expecting the same high level of professionalism and competence that was expected of me as a law clerk and a junior lawyer. I would also be open to mentoring junior lawyers.

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

Response: As a judicial nominee, it is not appropriate for me to evaluate the discretionary decisions of executive branch officials.

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

Response: As a judicial nominee, it is not appropriate for me to evaluate the discretionary decisions of executive branch officials.

Nomination of Stephen Meredith
Nominee to be U.S. District Judge for the Eastern District of Kentucky
Questions for the Record
Submitted August 6, 2025

QUESTIONS FROM SENATOR CORY A. 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 opine on the statements of executive branch officials and political figures or on any subject of political controversy.

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

   Response: My judicial philosophy is best characterized by the vision of the judiciary articulated in Federalist No. 78. In other words, I believe that judges should exercise only judgment, not will, and that society has nothing to fear from judicial power alone, but everything to fear from its combination with the other branches of government. Thus, I believe that judges should say what the law is, not what they think it ought to be. This means that a judge must always adhere to the rule of law, no matter whether the judge is personally pleased with the outcome it produces. In all circumstances, judges should set aside their own desires and policy preferences and simply do what the law commands.

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

   Response: Originalism is a method of interpreting constitutional and statutory texts. Its central premise is that the meaning of text does not change over time but is fixed according to the original public meaning ascribed to that text at the time it was adopted.

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

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

Response: I believe that constitutional and statutory texts should be interpreted and applied as written, not as judges wish they were written. To the extent there is a dispute about the meaning of constitutional or statutory text, I would employ methods of interpretation used by the Supreme Court and the Sixth Circuit. Those courts have routinely interpreted constitutional and statutory provisions according to their original public meanings. *See, e.g.*, *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004); *Energy Mich., Inc. v. Mich. Pub. Serv. Comm'n*, 126 F.4th 476 (6th Cir. 2025); *Johnson v. Bauman*, 27 F.4th 384 (6th Cir. 2022).

5. What do you understand textualism to mean?

Response: Textualism is a method of interpreting constitutional and statutory texts that places the primary emphasis on the actual text as opposed to beliefs about the purposes or goals of those who drafted it. Textualism endeavors to interpret constitutional and statutory texts according to how an ordinary reader would understand the meaning of the words used.

6. Do you consider yourself a textualist?

Response: I believe that constitutional and statutory texts should be interpreted and applied as written, not as judges wish they were written. To the extent there is a dispute about the meaning of constitutional or statutory text, I would employ methods of interpretation used by the Supreme Court and the Sixth Circuit. Those courts have routinely employed textualist approaches to interpreting constitutional and statutory provisions. *See, e.g.*, *Hartford Underwriters Ins. Co. v. Union Planters Bank, N.A.*, 530 U.S. 1 (2000); *United States v. Grant*, 979 F.3d 1141 (6th Cir. 2020).

7. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

Response: Many jurists disregard legislative history because they do not believe it is a reliable means of determining the meaning of statutory text. It is well established that it is not appropriate to resort to legislative history when a statute's language is unambiguous. *See Whitfield v. United States*, 543 U.S. 209 (2005). To the extent it is ever acceptable to rely on legislative history, it is only "to clear up ambiguity, not create it." *Milner v. Dep't of Navy*, 562 U.S. 562, 574 (2011). If confirmed, I would faithfully follow the precedents of the Supreme Court and Sixth Circuit when evaluating arguments that legislative history should be consulted.

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

Response: I believe that Congress expresses its intent through enacted text that has gone through the constitutional process of bicameralism and presentment. Thus, the best way of determining Congress's intent is by analyzing the plain language of the enacted text in light of the original public meaning ascribed to that text.

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

   a. What do you attribute this to?

   Response: I am not familiar with that study or those statistics and therefore can offer no assessment of them. Moreover, to the extent this question, asks me to weigh in on a policy debate, it would be inappropriate for me, as a judicial nominee, to do so.

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

   a. What do you attribute this to?

   Response: I am not familiar with that study or those statistics and therefore can offer no assessment of them. Moreover, to the extent this question, asks me to weigh in on a policy debate, it would be inappropriate for me, as a judicial nominee, to do so.

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

Response: 18 U.S.C. § 3553(a) requires judges to issues sentences so as to "avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." As a judge, I would faithfully adhere to the requirements of this statute in issuing sentences.

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

Response: No one should be denied a position in the judiciary because of race, religion, sex, ethnicity, or any other protected characteristic. I believe that the most important factor to consider in selecting judges is merit, and I believe that an important consideration in

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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.

determining merit is the exposure to a wide array of viewpoints and personal and professional experiences.

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

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

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

    Response: My Senate Judiciary Questionnaire discloses all of my published writings and public statements. I do not recall having published written materials on these subjects, but to the best of my recollection, some of my public remarks have addressed some, but not all, of these topics. For a full response to this question, I refer you to the full list of public remarks provided in Part 12 of my Senate Judiciary Questionnaire. For the sake of convenience and efficiency, I point out the following statements that—to the best of my recollection—are most responsive to this question:

    July 10, 2024: Moderator, panel discussion on religious liberties issues regarding adoption and foster care, Alliance Defending Freedom Religious Liberties Summit, Marco Island, Florida. I have no notes, transcript, or recording. The address of the Alliance Defending Freedom is 15100 N. 90th Street, Scottsdale, Arizona 85260.

    June 10, 2024: Panelist, "Kentucky's Constitutional Amendment on School Choice," Kentucky Tonight television program, Kentucky Educational Television, Lexington, Kentucky. A recording of this episode of Kentucky Tonight is available at

https://ket.org/program/kentucky-tonight/kentuckys-constitutional-amendment-on-school-choice/.

July 13, 2023: Moderator, "Standing: Barrier or Speedbump to Movement Litigation?," Alliance Defending Freedom Religious Liberties Summit, Dana Point, California. I moderated a panel discussion regarding current standing doctrine and how it affects litigation regarding religious liberty issues. I have no notes, recordings, or transcripts. The address of the Alliance Defending Freedom is 15100 N. 90th Street, Scottsdale, Arizona 85260.

July 17, 2019: Remarks to the Kentucky Family Foundation, Lexington, Kentucky. My remarks summarized the abortion-related litigation in which the Governor's Office was involved. I have no notes, transcript, or recording. The address of the Kentucky Family Foundation is 3060 Harrodsburg Road, Lexington, Kentucky 40503.

January 14, 2019: Remarks to the Rotary Club of Ashland, Ashland, Kentucky. My remarks focused on summarizing the litigation that the Governor's Office was involved in at the time. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Rotary Club of Ashland is P.O. Box 1233, Ashland, Kentucky 41105.

December 5, 2018: Panelist, "The Commonwealth's 'Law Firm:' Litigating Federalism in Kentucky," Federalist Society Cincinnati Lawyers Chapter, Covington, Kentucky. My remarks in this panel discussion and question-and-answer session were directed toward explaining the Governor's Office's unique approach to providing legal representation for the Commonwealth and discussing the administration's views on particular issues under the Kentucky Constitution, such as the prohibition on special legislation. I have no notes, transcript, or recording. The address of The Federalist Society is 1776 I Street, NW, Suite 300, Washington, D.C. 20006.

October 28, 2011: Continuing Legal Education Presentation, "Labor and Employment Law Basic Training," Litigation Basics for Young Lawyers, University of Louisville Brandeis School of Law, Louisville, Kentucky. Outline supplied with my Senate Judiciary Questionnaire.

Michon Lindstrom, *Federal Appeals Court Hears Arguments on Kentucky Transfer Agreement Law*, Spectrum News 1 (Aug. 8, 2019). Copy supplied with my Senate Judiciary Questionnaire.

Kevin Koeninger, *Kentucky Defends Abortion Clinic Transfer Rule in Sixth Circuit*, Courthouse News Service (Aug. 8, 2019). Copy supplied with my Senate Judiciary Questionnaire.

Bruce Schreiner, *Appeals Court Panel Hears High-stakes Kentucky Abortion Case*, ABC News (Aug. 8, 2019). Copy supplied (reprinted in multiple outlets) with my Senate Judiciary Questionnaire.

Ann Thompson, *Cincinnati Appeals Court Weighs Abortion Decision*, WVXU Cincinnati Public Radio (Aug. 8, 2019). Copy supplied with my Senate Judiciary Questionnaire. Audio available at: https://www.wvxu.org/post/cincinnati-appeals-court-weighs-abortion-decision#stream/0.

Lawrence Smith, *Federal Court Hears Appeal of Kentucky Abortion Clinic Transfer Law*, WDRB TV (Aug. 8, 2019). Copy supplied with my Senate Judiciary Questionnaire. Video available at: https://www.wdrb.com/news/federal-court-hears-appeal-of-kentucky-abortion-clinic-transfer-law/article_d5a37614-b9fc-11e9-be80-037d4021df67.html.

Ryland Barton, *Appeals Court Hears Arguments Over Kentucky Abortion Ultrasound Requirement*, WKMS Public Radio (July 25, 2018). Copy supplied (reprinted in multiple outlets) with my Senate Judiciary Questionnaire. Audio available at: https://www.wkms.org/post/appeals-court-hears-arguments-over-kentucky-abortion-ultrasound-requirement#stream/0.

Lawrence Smith, *Federal Court Hears Appeal in Kentucky Abortion Ultrasound Case,* WDRB TV (July 25, 2018). Video available at: https://www.wdrb.com/archive/video/federal-court-hears-appeal-in-kentucky-abortion-ultrasound-case/video_d7f7771c-344d-5b38-a1b1-eb433909728d.html. Copy of article supplied with my Senate Judiciary Questionnaire.

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

Response: The general rule is that parties to a case must obey court orders that are directed to them. Under this general rule, if a party does not want to obey the order, the party must first get the order set aside through the appellate process or by obtaining relief from the order through some other procedural mechanism, like a motion for a stay or reconsideration. However, courts and academics recognize a number of exceptions to this general rule. For example, it is generally recognized that a party is not bound by the order of a court that lacks jurisdiction and that a party is not required to comply with an order when it is impossible to do so. *See, e.g.*, *Smith v. Vanguard Grp., Inc.*, 129 N.E.3d 1216 (Ill. 2019) ("A party may refuse to obey an order where the court had no jurisdiction to make it …."); *United States v. Rylander*, 460 U.S. 752 (1983) (impossibility). Parties have also been excused from complying with a court order when they are subject to contradictory orders. *See, e.g.*, *Boone v. Riddle*, 86 S.W. 978 (Ky. 1905). In addition, I am aware of scholarship positing that parties are not obligated to comply with orders that are so clearly constitutionally erroneous as to be beyond rational question. *See* Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996). Further, courts have recognized that some orders can be appealed only if the party subject to the order first disobeys it and incurs a contempt sanction. *See, e.g.*, *Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100 (2009); *United States ex rel. Pogue v. Diabetes Treatment Ctrs. of Am., Inc.*, 444 F.3d 462 (6th Cir. 2006). Because a case involving the issues discussed in this response might come before me, I cannot opine as to the circumstances when any of these exceptions might apply, nor can I categorically pre-determine whether there are other potential

exceptions to the general rule that parties must obey court orders that are directed to them. Should any such issues come before me, I would commit to resolving them according to the applicable law and precedents of the Sixth Circuit and the Supreme Court.

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: Should a party allege that such a scenario has occurred, I would begin by reviewing the relevant order and the alleged conduct in question to determine whether there appears to be non-compliance with the order. If so, I would invite briefing and argument on the issue, and I would assess the potential applicability of recognized defenses. If necessary, I would apply the Sixth Circuit's standards for contempt or other potential remedies.

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 response above to Question 13.

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

Response: Article I, § 7 of the United States Constitution authorizes the President to veto bills passed by Congress. In addition, Presidents have discretion in deciding how to fulfill their duty under Article II, § 3 of the United States Constitution to "take care that the laws be faithfully executed." How these principles might apply to any particular presidential action is a question that might come before me as a judge, and therefore it would be inappropriate for me to comment further on this issue.

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

Response: I am aware that the Supreme Court addressed questions pertaining to this issue in *Train v. City of New York*, 420 U.S. 35 (1975), and I am also aware of the Impoundment Control Act of 1974. Beyond this, it would be inappropriate for me to comment because this issue is currently being litigated.

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

Response: Please see my response above to Question 15. To the extent this question this question asks me to opine on matters of current political or legal dispute, it would be inappropriate for me, as a judicial nominee, to do so.

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

Response: The Supremacy Clause of the United States Constitution establishes the principle that federal laws that are "made in Pursuance" of the Constitution supersede conflicting state laws. U.S. Const., art. VI.

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

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

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

Response: The Supreme Court has a body of precedents addressing the constitutional limits on legislative delegation of rulemaking authority. *See, e.g.*, *Gundy v. United States*, 588 U.S. 128 (2019). If I am confirmed, I will faithfully apply those precedents and any precedents of the Sixth Circuit if confronted with this issue. As this question relates to issues that are the subject of ongoing litigation and that could come before me if I am confirmed, it would not be appropriate for me to comment further.

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

Response: Yes. As I testified at the hearing, I am comfortable stating that *Brown v. Board of Education* and *Loving v. Virginia* were correctly decided because they are so deeply entrenched in American law that I do not believe there is a legitimate chance litigants will challenge them. I believe these two cases are exceptions to the general rule that a judicial nominee should not grade the Supreme Court's work or give a thumbs-up or thumbs-down to Supreme Court precedent.

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

Response: Yes, *Griswold* is binding precedent. In *Griswold*, the Supreme Court held that the Fourteenth Amendment protects the use of contraceptives. Should I be confirmed, I would faithfully follow *Griswold* and all other Supreme Court precedents.

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

Response: Yes, *Lawrence* is binding precedent. In *Lawrence*, the Supreme Court held that laws that criminalized sexual intimacy between members of the same sex violate the Fourteenth Amendment. Should I be confirmed, I would faithfully follow *Lawrence* and all other Supreme Court precedents.

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

Response: Yes, *Obergefell* is binding precedent. In *Obergefell*, the Supreme Court held that the Fourteenth Amendment requires a state to license marriages between two people of the same sex on the same terms and conditions as marriages between two people of the opposite sex. Should I be confirmed, I would faithfully follow *Obergefell* and all other Supreme Court precedents.

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

Response: Respectfully, I believe that this question requires me to answer with reference to who was certified as the winner of the Electoral College vote in the 2020 election because that is the constitutionally prescribed process for prevailing in a presidential election. *See* U.S. Const., art. II, § 1; U.S. Const. amend. XII. Joe Biden was certified as the winner in 2020, and he served as the 46th President. To the extent that 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, it would be inappropriate for me, as a judicial nominee, to provide such an opinion.

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

Response: Please see my response above to Question 24.

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

Response: Please see my response above to Question 24.

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

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

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

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

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

Response: Please see my response above to Question 25.a.

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

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

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

Response: Please see my response above to Question 25.c.

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

Response: The Twenty-second Amendment to the United States Constitution provides that "[n]o person shall be elected to the office of the President more than twice …." To the extent this question seeks an opinion on how this language would be applied in an abstract hypothetical scenario, it would be inappropriate for me, as a judicial nominee, to offer such an opinion. And to the extent that this question is eliciting an opinion on specific political debates or statement made by any political figures, it would be inappropriate for me, as a judicial nominee, to offer such an opinion.

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

Response: The preparation for my hearing involved discussion of the responses to various questions that prior nominees have provided to the Committee. However, my answers are my own and are based on what I believe to be consistent with my ethical duties, which is informed by the practices of previous nominees.

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

Response: No.

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

Response: To the best of my knowledge, no. However, I do not know who is a member of DOGE.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

a. Enrique Tarrio

Response: No.

b. Stewart Rhodes

Response: No.

c. Kelly Meggs

Response: No.

d. Kenneth Harrelson

Response: No.

e. Thomas Caldwell

Response: No.

f. Jessica Watkins

Response: No.

g. Roberto Minuta

Response: No.

h. Edward Vallejo

Response: No.

i. David Moerschel

Response: No.

j. Joseph Hackett

Response: No.

k. Ethan Nordean

Response: No.

l. Joseph Biggs

Response: No.

m. Zachary Rehl

Response: No.

n. Dominic Pezzola

Response: No.

o. Jeremy Bertino

Response: No.

p. Julian Khater

Response: No.

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

Response: No.

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

Response: No.

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

Response: Not applicable.

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

Response: I so confirm.

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

Response: Yes.

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

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

a. Do you agree with the above statement?

Response: As a judicial nominee, it is not appropriate for me to assess or otherwise opine on any political statements.

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

Response: To the best of my knowledge, no. However, I do not know precisely who is associated with that organization.

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

Response: To the best of my knowledge, no. However, I do not know precisely who is associated with that organization.

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

Response: To the best of my knowledge, no. However, I do not know precisely who is associated with that organization.

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

Response: Like other nominees, I have been in contact with the Office of Legal Policy, which provided me with guidance on how to fill out a Senate Judiciary Questionnaire. I made the final decisions about which cases to list on my Questionnaire.

a. Who?

Response: Please see my response above to Question 41.

b. What advice did they give?

Response: I was encouraged to list cases that were significant and that displayed the breadth of my litigation experience. I made the final decisions about which cases to include.

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

Response: Please see my response above to Question 41.b.

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

Response: To the best of my knowledge, no. However, I do not know precisely who is associated with that organization.

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

Response: I recall speaking with a then-Federalist Society employee named Lisa Ezell on a couple occasions during my selection process. I notified her of significant developments in my selection process, and she congratulated me following my nomination. It is possible that I communicated about my selection process with other individuals associated with the Federalist Society, but I do not recall having done so.

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

Response: Please see my response to Question 26(a) in my Senate Judiciary Questionnaire. Since submitting the Questionnaire, I have been in regular contact with the DOJ Office of Legal Policy regarding my nomination.

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

Response: I reviewed answers provided by other nominees to get an idea of the format and general content that they found to be responsive. After familiarizing myself with the types of responses that are typically given, I drafted answers and then provided them to the Office of Legal Policy for feedback. After receiving such feedback, I finalized my answers and authorized them to be submitted to the Senate Judiciary Committee.

Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
"Nominations"

July 30, 2025

Questions for Mr. Meredith:

1. **Please identify any and all situations where it is permissible for a party, including the Executive Branch or one of its officers, departments, or agencies, to defy a court order.**

   Response: The general rule is that parties to a case must obey court orders that are directed to them. Under this general rule, if a party does not want to obey the order, the party must first get the order set aside through the appellate process or by obtaining relief from the order through some other procedural mechanism, like a motion for a stay or reconsideration. However, courts and academics recognize a number of exceptions to this general rule. For example, it is generally recognized that a party is not bound by the order of a court that lacks jurisdiction and that a party is not required to comply with an order when it is impossible to do so. *See, e.g.*, *Smith v. Vanguard Grp., Inc.*, 129 N.E.3d 1216 (Ill. 2019) ("A party may refuse to obey an order where the court had no jurisdiction to make it …."); *United States v. Rylander*, 460 U.S. 752 (1983) (impossibility). Parties have also been excused from complying with a court order when they are subject to contradictory orders. *See, e.g.*, *Boone v. Riddle*, 86 S.W. 978 (Ky. 1905). In addition, I am aware of scholarship positing that parties are not obligated to comply with orders that are so clearly constitutionally erroneous as to be beyond rational question. *See* Gary Lawson & Christopher D. Moore, *The Executive Power of Constitutional Interpretation*, 81 Iowa L. Rev. 1267, 1326 (1996). Further, courts have recognized that some orders can be appealed only if the party subject to the order first disobeys it and incurs a contempt sanction. *See, e.g.*, *Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100 (2009); *United States ex rel. Pogue v. Diabetes Treatment Ctrs. of Am., Inc.*, 444 F.3d 462 (6th Cir. 2006). Because a case involving the issues discussed in this response might come before me, I cannot opine as to the circumstances when any of these exceptions might apply, nor can I categorically pre-determine whether there are other potential exceptions to the general rule that parties must obey court orders that are directed to them. Should any such issues come before me, I would commit to resolving them according to the applicable law and precedents of the Sixth Circuit and the Supreme Court.

2. **Please identify any and all situations in which you would advise a client to ignore or defy a court order.**

   Response: As a judicial nominee, it would be inappropriate for me to comment on this abstract question. Please see my response above to Question 1 for a discussion of the potential exceptions to the general rule that a party must obey a court order that is directed to it.

3. **Is it appropriate for the President of the United States to threaten or harass a judge when he disagrees with the outcome of a case over which that judge is presiding, or disagrees with aspects of a judge's decision or order?**

   Response: The First Amendment to the United States Constitution protects the rights of individuals to engage in political speech, including speech that is critical of judicial rulings. To the extent this question asks me to opine on the statements of political figures, it would not be appropriate for me, as a judicial nominee, to comment further.

4. **In the process of applying to become a judge, did you have any conversations with President Trump, a member of his staff, or a member of an outside group about policy or personal positions or beliefs you would have on the bench, or decisions you would make on the bench?**

   Response: When I interviewed with lawyers from the White House Counsel's Office, I explained to them my judicial philosophy. Otherwise, no.