

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Anthony Wayne Mattivi
Nominee to be U.S. District Judge for the District of Kansas
April 22, 2026

1. While running to be Kansas Attorney General, you said that police officers are “under siege” in part “due to the increased negative sentiment toward the rule of law.” You pointed to footage on the nightly news of officers across the country being “ambushed, attacked and even killed.”

- a. **Do you stand by your comments that law enforcement is under siege due to an increased negative sentiment towards the rule of law?**

Response: In my professional capacity, I work with many brave law enforcement officers who routinely place themselves in harm’s way, and I am grateful for their service.

Regarding the particular quote you raise, I defer to guidance that you provided when you chaired this Committee: “Members often ask [nominees] about what they personally believe... It puts a judicial nominee on the spot. The Judicial Conference of the United States has directed both sitting judges and judicial nominees not to share their personal opinions. The rationale is obvious. Offering personal opinions suggests a nominee has prejudged an issue. It suggests to future litigants that the nominee will arrive with preconceptions and will disregard their obligation to simply apply the law to the facts.” *Durbin Delivers Opening Statement During Latest Nominations Hearing*, Sept. 21, 2022, <https://www.judiciary.senate.gov/press/dem/releases/09/23/2022/durbin-delivers-opening-statement-during-latest-nominations-hearing>. Consistent with your guidance and the judicial canons, as a judicial nominee, it would be improper to offer an opinion on a political or policy issue. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- b. **During the January 6 attack on the Capitol, were law enforcement officers ambushed and attacked by rioters who mobbed the Capitol?**

Response: I condemn all violence, especially violence against law enforcement. But as a judicial nominee, it would be improper for me to characterize the events on January 6, 2021. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5. Terms such as “ambush,” “attack,” “riot” and “mob” can have legal consequences, and choosing among them would amount to offering a political opinion about these events or prejudging legal issues that may come before me if confirmed.

- c. **Do you believe that January 6 offenders who were convicted of violent assaults on law enforcement undermined the rule of law?**

Response: Please see my response to Question 1.b.

2. In August 2022, you called President Trump’s claim that he had issued a “standing order” declassifying the documents he removed from the Oval Office and kept at Mar-a-Lago “preposterous.” You further explained that “there is a process, and part of the process involves the [originating agencies] knowing what’s being done with their information.”

Do you stand by your statement that it is preposterous that President Trump could issue a standing order declassifying the documents he removed from the Oval Office?

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

3. You investigated and prosecuted several high-profile domestic terrorism cases while you were a federal prosecutor in the District of Kansas. Notably, you were the lead prosecutor on “The Crusaders” case, which involved three Kansas Security Force militia members who espoused sovereign citizen, anti-government, anti-Muslim, and anti-immigrant extremist beliefs. The defendants planned to bomb an apartment complex because mostly Somali Muslim immigrants and refugees lived there. The defendants called Somalis “f-ing cockroaches.” One of the defendants said he hoped the attack would “wake people up” and inspire others to take similar action against Muslims. I am grateful the defendants were arrested before they could carry out their plan.

a. In your experience, is domestic terrorism a serious problem?

Response: Yes. I too am thankful these defendants were arrested before they carried out their plan. Had they not been, I’m confident they would have created another event on the scale of the attack in Oklahoma City.

b. Does that extend to terrorists who are motivated by anti-Muslim and anti-immigrant extremist beliefs?

Response: Yes. Over the course of my decades as a prosecutor, I prosecuted cases against Muslims who wanted to commit violence against America, and I prosecuted cases against Americans who wanted to commit violence against Muslims.

You worked closely with the potential victims of this attack, Somali refugees and immigrants who lived in the apartment complex and worshipped at the mosque the defendants targeted.

- c. **Do you agree with President Trump that Somalis are “low-IQ people” and “garbage,” who “contribute nothing” to the United States?¹ If you are not familiar with these comments, please refer to the footnote.**

Response: As a judicial nominee, it would be improper for me to offer an opinion on a political issue or a statement by any political figure. *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5. If I am confirmed, I would treat every litigant and victim with dignity and apply the law equally to all, consistent with the Constitution.

4. You celebrated Kansas being the second state in the nation to sign a 287(g) agreement to cooperate with Immigration and Customs Enforcement. Yet you claimed that the Kansas Bureau of Investigation (KBI) did not have the resources to investigate individuals who are here without legal status and do not have a criminal history. In August 2025, Lenexa City Councilwoman Melanie Arroyo—a U.S. citizen of Latina ethnicity—revealed that city police had investigated her citizenship status and required her to prove her citizenship, based on a complaint submitted to the KBI which it then referred to Lenexa police. I am deeply troubled by this incident of apparent racial profiling, including the KBI’s involvement with it.

- a. **Were you aware that the KBI had referred this complaint to Lenexa police?**

Response: No. This was one of many complaints that come into the KBI and are routinely referred to a local agency that has primary jurisdiction over the event at issue. It was handled within the KBI at the clerical level, and I did not become aware of it until reports appeared in the media.

- b. **Does the KBI take any steps to investigate a complaint for legitimacy before referring it to another law enforcement agency?**

Response: For this type of telephone complaint that is routinely referred to a local agency that has primary jurisdiction over the event at issue, no.

- c. **Why should people of color in Kansas have faith that the KBI will not engage in racial profiling, particularly after what Councilwoman Arroyo faced?**

Response: Racial profiling is wrong and inconsistent with the Constitution and good law enforcement. KBI agents are trained to act based on specific facts, not on race, ethnicity or nationality. During my tenure, I have not learned of any credible allegation that a KBI agent engaged in racial profiling, and I do not believe they would.

¹ *See e.g.*, Emmanuel Felton & Cleve R. Wootson Jr., *Trump brings his attacks on Somalis onto the world stage at Davos*, WASH. POST (Jan. 21, 2026), <https://www.washingtonpost.com/nation/2026/01/21/trump-davos-somali-intelligence/>; and *Trump says he doesn’t want Somalis in the U.S., urges them to go back to their homeland and fix it*, AP (Dec. 2, 2025), <https://www.npr.org/2025/12/02/nx-s1-5629305/trump-says-he-doesnt-want-somalis-in-the-u-s-urges-them-to-go-back-to-their-homeland-and-fix-it>.

5. As part of your campaign for Kansas Attorney General, you filled out a candidate questionnaire and candidate profile from the religious advocacy group, iVoterGuide.²

- a. **When asked under what circumstances abortion should be allowed, you stated, “I am 100% Pro-life, and I am opposed to abortion.” Do you support access to abortion to save the life of the mother, or in the case of rape or incest?**

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

You stated that you strongly agreed that “[a]bortion providers, including Planned Parenthood, should not receive funds from federal, state, or local governments (including Title X grants).”

- b. **Do you support federal funding for cancer screenings at Planned Parenthood?**

Response: For the reason I gave in my response to Question 1.a, it would be improper for me to state my personal views on this issue as a nominee.

- c. **Do you support federal funding for prenatal and postpartum services at Planned Parenthood?**

Response: For the reason I gave in my response to Question 1.a, it would be improper for me to state my personal views on this issue as a nominee.

- d. **Do you support federal funding for the testing and treatment of sexually-transmitted diseases and infections at Planned Parenthood?**

Response: For the reason I gave in my response to Question 1.a, it would be improper for me to state my personal views on this issue as a nominee.

When asked whether you support “adding gender identity as a specially protected class in non-discrimination laws,” you responded that you strongly disagreed.

- e. **Do you believe that *Bostock v. Clayton County* was correctly decided?**

Response: It is generally not appropriate for a judicial nominee to “grade” particular precedents of the Supreme Court. If I am confirmed, all Supreme Court precedent would be binding on me. *See* Code of Conduct for U.S. Judges, Canons 3(A)(6), 5.

² Anthony Mattivi, iVoterGuide, <https://ivoterguide.com/candidate/70442/race/18118/election/907>.

6. While running against Kris Kobach in the race to be Attorney General of Kansas, you tweeted that you were “the only candidate who will not embarrass our state.”³

Why did you believe that Kobach would embarrass the state of Kansas?

Response: I made this claim during a political campaign, at a time when I was a candidate drawing contrasts between myself and an opponent. Since that election, I have worked closely with Attorney General Kobach for more than three years and personally hold him in high regard. Beyond those observations, it would be improper for me to opine on a matter of political dispute. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

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

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

Response: On January 6, 2021, I was in Kansas.

9. **Do you denounce the January 6 insurrection?**

Response: Please see my response to Question 1.b.

10. **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: It would be improper for me to comment on the President’s use of his plenary pardon power. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

11. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarming, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

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

Response: Generally speaking, the litigant may seek reconsideration, request a stay, or pursue appellate review.

³ Tony Mattivi for Attorney General (@TonyMattivi), X (Aug. 2, 2022, 8:46 AM), <https://x.com/TonyMattivi/status/1554448600796635137>.

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

Response: Generally speaking, a court order must be followed unless and until it is modified or stayed by a court of competent jurisdiction.

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

Response: Article III of the Constitution vests the judicial power of the United States is vested in the federal courts.

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

Response: The Supreme Court addressed injunctions recently in *Trump v. CASA, Inc.*, 245 S. Ct. 2540 (2025). In *CASA*, the Supreme Court held that universal injunctions likely exceeded the equitable authority given to courts. If confirmed, I would follow all Supreme Court precedent.

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

Response: Please see my response to Question 12.

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

Response: Please see my response to Question 12.

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

Response: Please see my response to Question 12.

- 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: In my career as an attorney, I have not sought an injunction that affirmatively required relief for a non-party.

- 13. 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.

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

Response: No. The Twenty-Second Amendment provides that no person may be elected President more than twice. U.S. Const., amend. XXII.

15. 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...”⁴

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

Response: As a judicial nominee, it would be inappropriate for me to comment on political matters and ongoing litigation. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5. If I am confirmed, I will treat judges, litigants, and counsel with dignity and decide cases impartially under the law.

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

Response: Please see my response to Question 15.a.

16. 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”⁵ and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”⁶

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

Response: This question asks me to take a position on a political statement about ongoing litigation. Under the Code of Conduct, I should not do so as a district court nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6), 5.

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

Response: For the same reasons explained in my response to Question 16.a, I should not comment on those issues as a nominee.

⁴ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

⁵ Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

⁶ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <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: For the same reasons explained in my response to Question 16(a), I should not comment on those issues as a nominee.

- 17. When, if ever, may a lower court depart from Supreme Court precedent?**

Response: A lower court may not depart from binding Supreme Court precedent.

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

Response: If I am fortunate enough to be confirmed as a district judge, I will not be in a position to overturn or consider overturning circuit court precedent. If confirmed, I will faithfully apply and follow Tenth Circuit precedent.

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

Response: The Supreme Court has discussed the circumstances in which it will overturn one of its own precedents. *See Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022).

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

Response: As I explained in response to Question 5(e), it is generally not appropriate for a judicial nominee to “grade” particular Supreme Court decisions. If I am confirmed, all Supreme Court precedents will be binding on me, and I must avoid saying anything that could suggest I would have difficulty applying them fairly in the future.

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

Response: *Brown* is a landmark ruling that promotes racial equality and rejected the manifestly unjust separate-but-equal rule of *Plessy v. Ferguson*. Under the Code of Conduct, it is generally viewed as one of two limited exceptions to the general principle that a judicial nominee should not comment on the correctness of Supreme Court precedent. I agree that *Brown* was correctly decided.

- b. *Plyler v. Doe***

Response: *Pyle* is a binding precedent of the Supreme Court and, if confirmed, I would faithfully apply it. Otherwise, please see my response to Question 20, preface.

c. *Loving v. Virginia*

Response: *Loving* is a landmark ruling invalidating a state law that prohibited interracial couples from marrying. It is the other limited exception to the general principle that a judicial nominee should not comment on the correctness of Supreme Court precedent. I agree that *Loving* was correctly decided.

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 response to Question 20, preface.

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 response to Question 20, preface.

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 response to Question 20, preface.

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 response to Question 20, preface.

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 response to Question 20, preface.

i. *Masterpiece Cakeshop v. Colorado*

Response: *Masterpiece* is a binding precedent of the Supreme Court and, if confirmed, I would faithfully apply it. Otherwise, please see my response to Question 20, preface.

j. *303 Creative LLC v. Elenis*

Response: *303 Creative* is a binding precedent of the Supreme Court and, if confirmed, I would faithfully apply it. Otherwise, please see my response to Question 20, preface.

k. *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 response to Question 20, preface.

l. *Loper Bright Enterprises v. Raimondo*

Response: *Loper Bright* is a binding precedent of the Supreme Court and, if confirmed, I would faithfully apply it. Otherwise, please see my response to Question 20, preface.

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

Response: If confirmed as a district judge, I would be bound by controlling Supreme Court or Tenth Circuit precedent. If there is no controlling precedent, I would begin with the ordinary meaning of the constitutional text. If the text is ambiguous, I would consider how a reasonable person at the time of the Constitution’s adoption would have understood it.

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

Response: Please see my response to Question 21.

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

Response: This issue was addressed in *Obergefell v. Hodges*, 576 U.S. 644 (2015), which is binding precedent. If I am confirmed, I will apply that precedent as binding law.

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

Response: This issue was addressed in *Loving v. Virginia*, 388 U.S. 1 (1967), which is binding precedent. If I am confirmed, I will apply that precedent as binding law.

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

Response: The Fourteenth Amendment states, “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1. In my understanding, the Equal Protection Clause limits the government’s ability to classify people without a rational basis or in ways that burden fundamental rights or rely on suspect or quasi-suspect classifications. The Due Process Clause, as interpreted by the Supreme Court, protects both fair procedures and certain substantive rights.

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

Response: The Supreme Court has applied these constitutional provisions to cases involving claims of discrimination based on sex and sexual orientation. *See, e.g., United States v. Virginia*, 518 U.S. 515 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003). If I am confirmed, I will apply that precedent as binding law. Beyond that, as a nominee it would be improper for me to comment on matters that are the subject of ongoing litigation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6), 5.

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

Response: Please see my response to Question 21.

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

Response: Please see my response to Question 21.

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

Response: The First Amendment states: “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The Supreme Court has held that these protections apply to the people and associations of individuals. *See Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010). If confirmed, I will apply that precedent as binding law.

30. 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: If confirmed, I would apply the First Amendment framework set forth by the Supreme Court and the Tenth Circuit. I believe appropriate factors to consider include whether the law draws subject-matter distinctions and what level of scrutiny the relevant precedent requires.

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

Response: To determine whether speech was a true threat not protected by the First Amendment, I would apply the analysis set forth by the Supreme Court in *Counterman v. Colorado*, 600 U.S. 66 (2023) and *Elonis v. United States*, 575 U.S. 723 (2015).

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

Response: Yes. The Supreme Court has held that Fifth Amendment’s “Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

33. 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 would be improper for me to comment on matters that are the subject of ongoing litigation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6), 5.

34. 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: Questions about birthright citizenship are being litigated in the courts. As a nominee, I should not express a view on ongoing litigation. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6), 5.

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

Response: For the same reason I gave in response to Question 34(a), I cannot comment on that question as a nominee.

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

Response: Yes. In my experience, diversity of race, gender, religion, geography, and perspective helps judges see issues from different angles and reach better-informed decisions. At the same time, judicial service must always be grounded in merit, qualifications, and fidelity to the law.

- 36.** 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: The role of a federal judge is to apply the law according to the text and the binding precedents interpreting it. If I am confirmed, I would apply the *First Step Act* in each case based on the law and the facts, including any discretion the Act confers, and any eligibility criteria Congress enacted.

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

Response: Yes. If I confirmed, I will consider the individual circumstances of each defendant, apply the factors in 18 U.S.C. § 3553(a), and impose a sentence consistent with the law and the facts.

- 37.** 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. 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: Not that I’m aware of.

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

Response: Not that I recall.

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

Response: No.

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

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

Response: Not that I’m aware of.

- 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 recall.

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

Response: No.

39. 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’m aware of.

- 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.

- 40.** 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’m aware of.

- 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.

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

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

Response: Not that I’m aware of.

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

Response: 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.

42. 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’m aware of.

- 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.

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

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

Response: Not that I’m aware of.

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

Response: Not that I recall.

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

Response: No.

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

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

Response: Not that I’m aware of.

- 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 have not solicited, coordinated, or encouraged any such donations. If I am confirmed, I will follow all applicable disclosure and recusal requirements and decide recusal questions based on the governing statutes, ethical rules, and the facts of each case. As a nominee, I should not speculate about hypothetical conduct by third parties.

- 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 am committed to both actual impartiality and the appearance of impartiality. If I am confirmed, I will follow the recusal standards in 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable authority. It would not be appropriate for me, as a nominee, to make commitments about public advocacy concerning hypothetical third-party speech or donations.

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

Response: For the reasons I gave in my responses to Questions 44(d) and (e), I should not make additional statements about hypothetical third-party donations as a nominee.

Senate Judiciary Committee
Hearing on
Nominations
April 15, 2026
Questions for the Record
Senator Amy Klobuchar

For Anthony Wayne Mattivi, to the U.S. District Court for the District of Kansas

You have opposed gun violence prevention laws, including red flag laws, which you have called a “tremendous threat to our liberty as Americans.” You have also stated that “An armed society is a safe society.”

Red flag laws have bipartisan support in Congress, and many of us on this committee have worked hard to come up with common sense solutions that save lives. For example, I have long led the effort to close the boyfriend loophole, and am working on legislation to keep guns out of the hands of convicted stalkers.

- What is your understanding of the Court’s *Rahimi* decision?

Response: In *United States v. Rahimi* (2024), the Supreme Court held that, when an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the Second Amendment. *Rahimi* is a binding precedent of the Supreme Court and I would faithfully apply it if confirmed.

**Nomination of Anthony Mattivi to the
United States District Court for the District of Kansas
Questions for the Record
Submitted April 22, 2026**

QUESTIONS FROM SENATOR COONS

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

Response: Yes.

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

Response: Yes.

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

Response: Yes.

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

Response: I received these questions and drafted my own responses. I received feedback from the Office of Legal Policy at the U.S. Department of Justice. After reviewing the feedback, I finalized my answers

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

Response: Yes, so long as the answer is truthful and reflects my own views.

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

Response: Yes.

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

Response: Please see my response to Question 3(b).

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

Response: No.

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

Response: No.

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

Response: Senior United States District Judge Eric Melgren from the District of Kansas. Judge Melgren was United States Attorney for the District of Kansas while I worked as an Assistant United States Attorney in that office, and was later appointed to the federal bench in Kansas. Judge Melgren was an ethical role model to me when he was United States Attorney, and he continues to be a role model for me since he has been a federal judge.

6. How would you describe your judicial philosophy?

Response: If I am fortunate enough to be confirmed, I will strive to follow the language of 28 U.S.C. § 453, which is to “administer justice without respect to persons, and do equal right to the poor and to the rich, and ... faithfully and impartially discharge and perform all the duties incumbent upon” them “under the Constitution and laws of the United States.” I will work to impartially interpret the law based on the text adopted by lawmakers as understood by the public at the time that text became law and in accordance with binding precedent, and to do so without regard to my personal or policy views.

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

Response: In interpreting any constitutional right, if confirmed as a district judge, I would look to the factors and the standards set forth by the United States Supreme Court and the United States Court of Appeals for the Tenth Circuit.

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

Response: If the Supreme Court has determined the right is expressly enumerated in the Constitution, then yes. The Supreme Court has addressed this issue in cases such as *Timbs v. Indiana*, 586 U.S. 146, 151 (2019) (Eighth Amendment’s Excessive Fines Clause), and *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010) (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: Similarly, the Supreme Court has looked many times at the issue of whether an asserted right is deeply rooted in the nation’s history, and there are many Supreme Court cases that control this analysis. Cases supporting this proposition include *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215, 237-40 (2022); *Timbs, supra*; and *McDonald, supra*.

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

Response: If the Supreme Court has previously recognized the right, I would be required to recognize it as well. The same would be true in the District of Kansas if the Tenth Circuit has previously recognized the right. If the right has not been recognized by either of those courts, but it has been recognized by another federal circuit court, I would consider that persuasive authority.

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

Response: Yes.

- e. What other factors would you consider?

Response: I would look to cases from the Supreme Court and the Tenth Circuit for guidance on any other factors I might be able to consider. If I was not able to find guidance in either of those courts, I would look to other circuits for guidance on what factors I might be able to consider.

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

Response: Article II of the Constitution states that the President “shall take Care that the Laws be faithfully executed.” If such a case came before me, among other sources, I

would consult the Constitution’s “Take Care Clause,” Article III remedial principles, Supreme Court cases on executive review, and Tenth Circuit precedent.

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

Response: The 22nd Amendment prohibits any person from being “elected to the office of the President more than twice.” *See* U.S. Const., amend. XXII.

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

Response: Consistent with the process set forth in Article II and the Twelfth Amendment of the Constitution, if a candidate is certified as being the winner of a presidential election, then that person becomes the President.

11. The *New York Times* reported that on March 25, 2026, President Trump stated the following at a National Republican Congressional Committee event: “The time has also come for Republicans to pass a tough new crime bill that imposes harsh penalties for dangerous repeat offenders, cracks down on rogue judges. We got rogue judges that are criminals. They are criminals, what they do to our country. The decisions that they hand down and hurt our country.”

- a. Is it a crime for a judge to rule against President Trump’s desired outcome in a particular case?

Response: I believe it would be improper for me as a judicial nominee to comment on policy statements by the President. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- b. Do you think that judges ruling against President Trump’s desired outcome should be “crack[ed] down on”?

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

- c. Is it possible for a judge’s decision to be correct, as a matter of fact and law, even if it differs from President Trump’s desired outcome?

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

- d. Do you agree with President Trump that we need a “tough new crime bill” that “cracks down on rogue judges”?

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

- e. Do you think that rhetoric like the example quoted above could discourage a judge from ruling against President Trump’s desired outcome?

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

- f. If you were confirmed and you ruled against President Trump’s desired outcome in a case, would you consider yourself a “rogue judge[]” and a “criminal[]”?

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

- g. Do you think statements like those made by President Trump quoted above make federal judges more or less safe?

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

12. Under 28 U.S.C. § 455, “[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themselves] in any proceeding in which [their] impartiality might reasonably be questioned.” As a general matter, what criteria would you use when deciding whether to recuse yourself from a case?

Response: Section 455 contains both a broad appearance-of-impropriety section (section (a)), and a more specific mandatory-disqualification section (section (b)). The quoted language is from section (a), and the standard for recusal under this section is whether a reasonable person, knowing all the relevant facts, would doubt the judge’s impartiality. *Liteky v. United States*, 510 U.S. 540 (1994). In determining whether I should recuse from a case, I would consult the Code of Conduct for United States Judges. If appropriate, I would also consult relevant ethics opinions as well as the opinions of trusted colleagues.

13. The *Wichita Eagle* reported on July 28, 2021, that upon announcing your candidacy for Kansas Attorney General, you described yourself as “a conservative, pro-life, pro-Second Amendment Republican.” You also wrote in the *Kansas City Star* on July 25, 2022, that you are “a firm and unapologetic conservative.”

- a. Would you agree that these statements create at least the appearance of partiality with respect to cases involving the Second Amendment and reproductive healthcare procedures like abortion?

Response: No. I believe such a comparison ignores the foundational differences between Articles I and III of the Constitution. Under Article I, the legislature should reflect and represent the will of the people who elect them. Judges appointed under Article III, on the other hand, should be insulated from political pressure so they can independently decide cases or controversies, regardless of the popularity of either party or the public’s opinion of the issue. Political candidates should freely express their opinions on matters that are important to the voters,

which is what I did during my candidacy for elected office. Federal judges, on the other hand, swear an oath to “administer justice without respect to persons, and do equal right to the poor and the rich, and [to] faithfully and impartially discharge...” their duties. 28 U.S.C. § 453. If confirmed, I will scrupulously adhere to my oath. I believe the independence, courage and integrity I have demonstrated over the course of my career should assure my fellow citizens of my fidelity to the Constitution and to my oath.

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

Response: If confirmed, I will follow the disqualification rules set forth in 28 U.S.C. § 455, the Code of Conduct for United States Judges, and Tenth Circuit and Supreme Court precedent, and may consult with colleagues on the application of those rules in a particular case.

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

Response: Please see my response to Question 13.b.

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

Response: No. Please see my response to Question 13.a.

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

Response: I would encourage that litigant to review the Constitution, and to pay particular attention to the differences between Article I and Article III. As a prosecutor and public servant, I have zealously pursued cases, including several that did not align with my personal and religious beliefs, because that is what my oath required. If I am confirmed, I will strive to have the courage and independence to be precisely the type of Article III judge the framers contemplated when drafting our Constitution.

14. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts’ existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide

positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission adopted an amendment to supervision guidelines implementing certain parts of the bill; this amendment went into effect on November 1.

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

Response: Yes, I will endeavor to be thoughtful in all of my decisions, including sentencing decisions.

- 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: Yes, I agree this is possible.

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

Response: Yes, if confirmed, I commit to reviewing this act and all others relevant to my work.

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

Response: I believe it would be improper for me to comment on ongoing litigation. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: Yes.

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

Response: I would look to binding precedent from the Supreme Court or the Tenth Circuit. If I were unable to find any binding authority, I would look to other circuit courts for persuasive authority.

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

Response: In certain circumstances, yes. For example, the Supreme Court held in *Eisenstadt v. Baird*, 405 U.S. 438 (1972), that “[i]f the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.” 405 U.S. 438, 453 (1972). If *Eisenstadt* or related precedent applied to the case in question, then if confirmed I would apply it as binding precedent.

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

Response: I believe the Supreme Court addressed this issue in *Griswold v. Connecticut*, 381 U.S. 479 (1965). If confirmed, I will faithfully apply all binding precedents of the Supreme Court.

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

Response: If confirmed, I will interpret constitutional provisions as required by Supreme Court and Tenth Circuit precedent.

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

Response: First I would look to binding precedent concerning the particular provision. If I could not find any binding precedent, I would look to the text of the provision. If the text was ambiguous, I would look to the broader context of the Constitution, historical sources that might help me understand the original meaning of the text, and decisions from other courts interpreting that provision or similar provisions.

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

Response: Yes. The Supreme Court has held that Fifth Amendment’s “Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

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

Response: Generally speaking, I would consider issuing a show cause order concerning the reasons the party had filed to comply. If I then concluded that my order was violated, I would consider sanctions including civil or criminal contempt.

21. As Director of the Kansas Bureau of Investigation, you have worked closely with Kansas Attorney General Kris Kobach. During your prior campaign against him for Attorney General, you wrote in the *Kansas City Star* on July 25, 2022, “other cases brought by Kobach have ended in failure - not just defeat (no attorney is going to win every case), but embarrassing episodes of repudiation by a judiciary that is fed up with his antics. That’s why Kansas has had to pay millions to the ACLU in legal fees and why a Republican-appointed judge ordered Kobach back to remedial legal education.”

a. Which cases were you referencing that resulted in “embarrassing episodes of repudiation by a judiciary that is fed up with [Kobach’s] antics”?

Response: The case to which I was referring primarily was *Fish v. Schwab* (formerly *Fish v. Kobach*), in which a federal court in Kansas struck down a proof-of-citizenship requirement in a voter law. Since that election, I have worked closely with Attorney General Kobach for more than three years now and personally hold him in high regard. Beyond those observations, it would be improper for me to opine on a matter of political dispute. See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

b. Do you think the judges in those cases were right to order Kansas to “pay millions to the ACLU in legal fees” and to send “Kobach back to remedial legal education”?

Response: Please see my response to Question 21.a.

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

Response: I have no personal knowledge of whether abusive litigation tactics were involved in the case that is the subject of this question. The criteria I would use to determine whether a party was engaging in such tactics would be to look for a pattern of conduct indicating that the litigation is being used to harass, burden or delay the proceedings, rather than to resolve a real dispute.

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

Response: Consistent with precedent and controlling case law, and based upon the unique facts of the case, I would consider a broad range of sanctions to target the underlying conduct and its resulting effects.

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

Response: A judge should decide cases impartially, equally to all people, by applying the law to the facts. I believe a judge should do this, even if he or she believes the result is undesirable as a matter of policy.

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

Response: A judge should decide cases impartially, equally to all people, by applying the law to the facts. In my view, a judge's life experiences will hopefully provide the judge with the courage, judgment, wisdom and integrity to be the independent and impartial factfinder envisioned under our Constitution.

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

Response: A judge should decide cases impartially, equally to all people, by applying the law to the facts. At the same time, the judge should always strive to treat all litigants with dignity and respect.

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

Response: I'm very proud of my entire body of work as a prosecutor, including a number of specific cases I've worked on. If I had to pick just one, I'd say the case of which I am most proud is the months-long investigation and prosecution of three militia members on charges of civil rights conspiracy and attempting to use a weapon of mass destruction for attempting to detonate a homemade explosive device at a mosque and apartment building occupied by Somali-Muslim refugees. A jury convicted all three defendants after a five-week trial, and the judge sentenced them to lengthy terms of imprisonment.

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

Response: Yes, I would consider issuing such a standing order. As long as my calendar permits, this would be an opportunity for me to continue supporting the practical development of the legal profession.

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

Response: I plan to continue to be involved with mentoring programs like the local Inn of Court and the local chapter of the Federal Bar Association, as well as

encouraging junior lawyers to become involved with the Criminal Justice Act panel. I also plan to continue to be involved with teaching trial advocacy at my *alma mater*.

27. Discuss your proposed hiring process for law clerks.

Response: Having never hired law clerks in this context, if confirmed I plan to consult and rely heavily on the advice of my trusted colleagues with more experience in the area. In addition to posting positions on OSCAR, I plan to reach out to the local legal community and law schools to find highly qualified men and women who also have connections to the state of Kansas.

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

Response: As a judicial nominee, it would be inappropriate for me to take a position on a legislative proposal. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

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

Response: In my current position, I lead a state agency that employs more than 400 people. By contrast, if I am fortunate enough to be confirmed, I believe my staff will be limited to a small number of employees. I have worked very hard in my current role to provide a workplace free from intimidation and harassment, and I endeavor to lead by example. If confirmed, I will continue to treat all of my employees with dignity and respect, and I will insist as a condition of employment that others do the same.

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

Response: Please see my response to Question 28.a.

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

Response: I would neither condone nor tolerate inappropriate conduct by a judge toward chambers staff. Depending on the circumstances, I would likely address the matter with the offending judge, followed by a conversation with the Chief Judge of the District.

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

Response: Federal law uses the word “insurrection” in statutes like 18 U.S.C. § 2383, and in constitutional contexts such as the Disqualifications Clause, where specific legal consequences attach to the term. Given the ongoing political debate in our country about the events of January 6, 2021, I believe attaching a label of legal significance to these events and associated conduct would be inappropriate as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: Please see my response to Question 29 above.

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

Response: It would be improper for me to opine about the “prudence” of the President’s use of his plenary pardon power. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

31. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021? Again, I know that the President has the power under the Constitution to grant executive clemency relief. I want to know whether you—if serving as President on January 20, 2025—would have chosen to issue pardons to those convicted of assaulting law enforcement officers at the Capitol on January 6, 2021.

Response: Please see my response to Question 30.

32. In February 2025, as the Director of the Kansas Bureau of Investigation, you signed a 287(g) agreement with the Department of Homeland Security that would allow your agents to receive ICE training and participate in immigration enforcement operations.

This made Kansas the second state in the country to sign such an agreement in President Trump's second term.

You said in an interview on March 8, 2025, that you gave credit for the agreement to Kansas Attorney General Kris Kobach, saying that "it's because AG Kobach is so plugged in with this administration and he's having conversations with them on a regular basis." You also said, "the ICE leadership here in the state, I would not expect that they would ever come to us and ask us to do anything that shocks our conscience, but if they did, I can assure you and your listeners that the answer from me would be a firm and very quick no." Given the events in Minneapolis, Chicago, and around the country since March 2025, do you still stand by this statement?

Response: I disclosed all my public remarks in my Senate Judiciary Questionnaire. Regarding the particular issue you raise, I defer to guidance that the Ranking Member provided when he chaired this Committee: "Members often ask [nominees] about what they personally believe... It puts a judicial nominee on the spot. The Judicial Conference of the United States has directed both sitting judges and judicial nominees not to share their personal opinions. The rationale is obvious. Offering personal opinions suggests a nominee has prejudged an issue. It suggests to future litigants that the nominee will arrive with preconceptions and will disregard their obligation to simply apply the law to the facts." *Durbin Delivers Opening Statement During Latest Nominations Hearing*, Sept. 21, 2022, <https://www.judiciary.senate.gov/press/dem/releases/09/23/2022/durbin-delivers-opening-statement-during-latest-nominations-hearing>. Consistent with the Ranking Member's guidance and the judicial canons, as a judicial nominee, it would be improper to offer an opinion on a political or policy issue. *See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5*. If I were confirmed, I would decide every case that may come before me fairly and impartially, regardless of the claims or the parties involved.

33. I believe that we owe an enormous debt of gratitude to the Afghan people for the ways they supported U.S. forces for almost 20 years, often at great personal risk. That is why I am proud to help lead the *Afghan Adjustment Act*, bipartisan, bicameral legislation allowing Afghans with temporary status that undergo additional vetting to apply for permanent legal residency.

In a post on your website from September 11, 2021, titled "We Will Never Forget," you wrote, "One cannot help but forge a strong and unbreakable bond with the foreign nationals – whether Iraqi or Afghani – who sit knee-to-knee with us in those dangerous and overwhelmingly difficult circumstances to assist us in accomplishing our mission. Our government's mission. And we know that abandoning those courageous people means that they will without question be kidnapped, tortured, and brutally killed – likely after being forced to watch the very same gruesome treatment of their family members."

Please respond for each of the Trump administration's actions below whether you think that action supports or undermines the "strong and unbreakable bond" with our Afghan allies that "assist[ed] us in accomplishing our mission":

- a. Suspending the Special Immigrant Visa program

Response: I stand by my support for the foreign nationals with whom I have personally worked in dangerous missions and difficult circumstances. Beyond that, as a judicial nominee, it would be inappropriate for me to opine on matters of political controversy and public debate. *See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.*

- b. Terminating Temporary Protected Status for Afghanistan

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

- c. Indefinitely pausing all refugee resettlement

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

- d. Including Afghanistan in a travel ban in June 2025

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

- e. Eliminating a travel ban exception for Afghan SIV holders

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

- f. Considering a plan to send Afghans who have been living in limbo in Qatar either back to the Taliban or to the Democratic Republic of Congo

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

34. At your Senate Judiciary Committee nomination hearing, Senator Kennedy asked you what the law says about an employer attempting to ban religious symbols worn by employees. You replied, “the law prohibits the application of a religious test applied by the government, right, not by private employers.”

- a. Do you stand by this statement?

Response: Taken in context, I believe the comment to which you refer was an incomplete reflection of the applicable laws. I immediately clarified to Senator Kennedy that I needed more information before answering his question. Senator Kennedy thanked me for my candor, and that concluded the exchange. After the hearing concluded, I reviewed the applicable federal statutes and binding precedent, such as Title VII, as codified at 42 U.S.C. § 2000e(j); *Groff v. DeJoy*, 600 U.S. 447 (2023); and *Equal Employment Opportunity Commission v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768 (2015).

- b. Please describe your understanding of Title VII of the Civil Rights Act of 1964.

Response: My understanding is that Title VII is the core federal employment-rights laws, and that it prohibits employers from discriminating on the basis of sex, race, color, religion, or national origin.

- c. Under Title VII, can an employer ban religious symbols worn by employees when they do not cause undue hardship for the employer?

Response: My understanding of Title VII is that an employer must reasonably accommodate sincerely held religious practices, unless allowing them would create an unreasonable hardship, although the exact result can depend on facts such as safety, uniform requirements, and whether a narrower accommodation would suffice.

- d. If confirmed, will you commit to familiarizing yourself with Title VII and civil rights laws more broadly? If so, what sources will you use to do so?

Response: Yes. If confirmed, I commit to familiarizing myself with Title VII and civil rights laws more broadly, relying on the Phase I and Phase II judicial training offered by the Administrative Office of U.S. Courts as well as using official sources and continuing judicial education programs.

35. In your Senate Judiciary Questionnaire, you note that just 5% of your practice has involved civil proceedings.

- a. Why do you think you are qualified to serve as a federal judge overseeing a substantial civil docket if you have so little experience with civil cases?

Response: The quality and relevance of my legal experience make me well suited for this role, and I am proud of the skills and expertise I will bring to the federal bench if confirmed. Early in my legal career, I transitioned from being a state prosecutor to being a federal prosecutor, which required learning an entirely new set of statutes and procedures. While a federal prosecutor, I went overseas to help the Iraqis prosecute war crimes cases in a war crimes tribunal that operated under Iraqi law. When I accepted a detail from the Department of Justice to the Office of Military Commissions to prosecute the USS COLE case, I had to learn not just the Rules of Military Commission, but also the Uniform Code of Military Justice. When I retired as a federal prosecutor, I transitioned to a position as in-house counsel for a healthcare company. I respectfully submit this broad perspective on the law, along with my demonstrated track record of success transitioning into new areas of the law, qualifies me to serve as a federal judge overseeing a substantial civil docket.

- b. If you are confirmed, what resources will you use to get up to speed on civil proceedings?

Response: As would be my practice in any case that comes before me, I would begin with the issues raised by the parties and do my own independent legal research to fully understand the issues before the court. Beyond that, I plan to re-familiarize myself with the Federal Rules of Civil Procedure and the District of Kansas rules and standing orders. A civil practitioner I respect has recommended a popular federal civil trial handbook. If confirmed, I will attend the Phase I and Phase II judicial training offered by the Administrative Office of U.S. Courts, and I will be very fortunate to have a magistrate in the same courthouse who is a highly experienced and well-respected civil practitioner. I will seek out judicial CLE programs that focus on civil practice, and I will rely on my colleagues for opportunities to help me get up to speed and address this new challenge.

Questions for the Record for Anthony Mattivi
Submitted by Senator Richard Blumenthal
April 22, 2026

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

Response: If I am fortunate enough to be confirmed, I will analyze all applicable recusal statutes and ethical rules to determine whether I should recuse in any matter where my impartiality might reasonably be questioned.

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

Response: Please see my response to Question 1.

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

Response: Please see my response to Question 1.

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

Response: Please see my response to Question 1.

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

Response: If I am fortunate enough to be confirmed, I would strive to avoid any improper *ex parte* communication concerning pending matters, guided by the ethical obligations that govern judicial misconduct.

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

Response: If confirmed, I will not discuss any pending matter in a manner inconsistent with my ethical obligations.

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

Response: If confirmed, I will not allow a communication with any outside party to influence my decisions, consistent with my ethical restrictions.

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

Response: If confirmed, I will not make public statements on matters pending before me.

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

Response: If I am fortunate enough to be confirmed, I will timely and accurately complete all required financial disclosures.

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

Response: If confirmed, I will consult the Code of Conduct of U.S. Judges and any other applicable guidance and authority – including advisory opinions from the Judicial Conference of the United States – and faithfully follow all ethical rules and requirements governing judicial conduct. I will file all required reports and comply with all requirements related to potential conflicts of interest, gifts, privately funded travel, hospitality, entertainment, teaching, speaking, or writing activities.

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

Response: Please see my response to Question 3.a.

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

Response: Please see my response to Question 3.a.

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

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

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

Response: It is foreseeable that litigation involving this issue could come before me as a district judge, in the event I were confirmed. As a result, it would be improper for me as a judicial nominee to opine on this issue. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

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

Response: Same response as Question 4.a. above.

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

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

Response: Yes.

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

Response: Yes.

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

Response: If confirmed, I would avail myself of all tools recognized and authorized by the law, subject to applicable limitations.

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

Response: All parties properly before a federal court are subject to court orders and must comply with those orders. There are certain well-established exceptions to this general principle, such as when a court lacked jurisdiction or if compliance is impossible. *See, e.g., United States v. Mine Workers*, 330 U.S. 258, 291 (1947).

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

Response: Same response as Question 5.b. above.

- d. What would make a court order unlawful?

Response: Generally speaking, the lawfulness of an order could depend on the Constitution, statutes, rules, jurisdiction, and precedent.

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

Response: Generally speaking, the appropriate process would include seeking reconsideration, a stay, or an appeal.

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

Response: Please see my response above.

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

Response: No.

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

Response: No.

- 7. Was the United States Capitol attacked on January 6, 2021?

Response: The legal characterization of conduct of persons at the Capitol on that date is a matter of significant political debate. As a judicial nominee, it would not be appropriate for me to comment on that. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

- 8. Who won the 2020 election?

Response: President Biden was certified the winner of the 2020 presidential election and served four years as the President of the United States.

- a. Who won the popular vote in the 2020 election?

Response: Please see my response to Question 8 above.

- b. Who won the electoral college in the 2020 election?

Response: Please see my response to Question 8 above.

- c. Did Donald Trump lose the 2020 election?

Response: Please see my response to Question 8.

- 9. Who won the 2024 election?

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

- a. Who won the popular vote in the 2024 election?

Response: Please see my response to Question 9.

- b. Who won the electoral college in the 2024 election?

Response: Please see my response to Question 9.

- c. Did Donald Trump lose the 2024 election?

Response: Please see my response to Question 9

- 10. You have spent your career as a member of law enforcement. Many of those pardoned by President Trump for their roles in the January 6, 2021 attack on the Capitol engaged in assaults on law enforcement.

- a. Do you support President Trump's pardon of Daniel Ball, who threw an explosive device into a tunnel filled with law enforcement officers?

Response: I did not play a part in the President issuing this pardon, nor does the judiciary review Presidential pardons. Moreover, the legal effect of pardons related to the events at the Capitol on January 6 is subject to ongoing litigation and could arise in matters pending before me if confirmed, and persons who were present at the Capitol on January 6 could appear before me as parties. As such, I do not believe it would be appropriate for me as a judicial nominee to comment. *See Code of Conduct of U.S. Judges Canons 3(A)(6), 5.*

- b. Do you support President Trump's pardon of Jacob Lang, who was filmed hitting law enforcement officers with a baseball bat and riot shield?

Response: Same response as Question 10.a.

- c. Do you support President Trump's pardon of Jeffrey McKellop, who stabbed a police officer in the face with a flagpole?

Response: Same response as Question 10.a.

- d. Do you support President Trump's pardon of Daniel "D.J." Rodriguez, who plunged a stun gun into the neck of Metropolitan Police Officer Michael Fanone and repeatedly shocked him, and then was sentenced to more than 12.5 years in prison?

Response: Same response as Question 10.a.

- e. Do you support President Trump's pardon of Julian Khater, who sprayed U.S. Capitol Police Officer Brian Sicknick with pepper spray, pled guilty to assaulting officers with a deadly weapon, and was sentenced to more than 6.5 years in prison?

Response: Same response as Question 10.a.

- f. Do you support President Trump's pardon of Ryan Nichols, who sprayed officers with pepper spray, pushed the crowd against officers defending a door to the Capitol, and was sentenced to more than five years in prison?

Response: Same response as Question 10.a.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Anthony Mattivi

1. As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two initial questions:
 - a. **Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**
Response: No.
 - b. **Have you ever faced discipline or entered into a settlement related to this kind of conduct?**
Response: No.

2. At your nomination hearing, Senator Kennedy posed a hypothetical legal question: whether a McDonald’s applicant can be denied a job for wearing a religious symbol. You said that the law prohibits application of a religious test applied by the government but not by private employers. **Explain your reasoning, with citations to law.**

Response: My answer to Senator Kennedy was that I didn’t know and I would require additional information before conclusively answering his question.

3. In the Mar-a-Lago classified documents case, President Trump’s legal team claimed that Trump issued a “standing order that documents removed from the Oval Office and taken to the residence were deemed to be declassified the moment he removed them.” In an ABC News interview, you stated that the idea of a standing order declassifying documents “is preposterous.” **Is that still your opinion? Explain.**

Response: Regarding the particular quote you raise, I defer to guidance that the Ranking Member provided when he chaired this Committee: “Members often ask [nominees] about what they personally believe... It puts a judicial nominee on the spot. The Judicial Conference of the United States has directed both sitting judges and judicial nominees not to share their personal opinions. The rationale is obvious. Offering personal opinions suggests a nominee has prejudged an issue. It suggests to future litigants that the nominee will arrive with preconceptions and will disregard their obligation to simply apply the law to the facts.” *Durbin Delivers Opening Statement During Latest Nominations Hearing*, Sept. 21, 2022, <https://www.judiciary.senate.gov/press/dem/releases/09/23/2022/durbin-delivers-opening-statement-during-latest-nominations-hearing>. Consistent with the Ranking Member’s guidance and the judicial canons, as a judicial nominee, it would be improper to offer an opinion on this issue. *See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.*

4. You supported a bill that allowed the use of nitrogen hypoxia in death penalty cases. **Why did you support the use of suffocating gas despite multiple legal experts describing the use of this gas as violating UN principles against torture?**

Response: Please see my response to Question 3.

5. **Do you still support the use of nitrogen hypoxia in death penalty cases?**

Response: Please see my response to Question 3.

6. On your questionnaire, you listed the case against Frank Tao as one of your 10 most significant matters. Of the 10 counts Mr. Tao was initially charged with, the government dismissed two, the jury acquitted on four, and the judge after trial acquitted on three—an incredibly rare occurrence. At sentencing on the sole remaining count, the judge said “this is not an espionage case” and sentenced Mr. Tao to time served. The Tenth Circuit reversed the conviction on this final count on appeal. **Can you explain why an investigation you led resulted in the dismissal of all counts at trial and on appeal?**

Response: I led the months-long investigation into the activities of Dr. Tao, which involved him conducting scientific research for which he received millions of dollars in funding from the United States government, without disclosing to the US government or his employer (the University of Kansas) that he was also being paid by the Chinese Communist Party to conduct the very same research. Our investigation substantiated this fraudulent conduct by Dr. Tao, and as a result, I filed charges against him on behalf of the United States government. I retired from federal government during the pendency of the case, however, so I was not involved in either the trial or the appeal. I am not aware of the specific outcome of the case after my personal involvement ended, so I do not have a basis for commenting on those aspects of the case. Further, Dr. Tao has filed a lawsuit against his former employer over his firing, and that litigation is pending.

Nomination of Anthony W. Mattivi
United States District Court for the District of Kansas
Questions for the Record
Submitted April 22, 2026

QUESTIONS FROM SENATOR BOOKER

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

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

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

Response: As a judicial nominee, it would be inappropriate for me to offer an opinion on a subject of political controversy or on the statements of a political figure. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6)."

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

Response: I would expect any such allegations to be handled through appropriate legal and disciplinary channels. As a judicial nominee, it would be inappropriate for me to opine or hypothesize concerning the actions of a political body or a subject of political controversy.

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

Response: Same response as Question 2.

4. How would you characterize your judicial philosophy?

Response: As I told Senator Schmitt at my confirmation hearing, I characterize my judicial philosophy as a textualist and an originalist. If I am fortunate enough to be confirmed, I will

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>.

“administer justice without respect to persons, and do equal right to the poor and to the rich, and ... faithfully and impartially discharge and perform all the duties incumbent upon” them “under the Constitution and laws of the United States.” 28 U.S.C. § 453. I believe this requires impartially interpreting the law (whether statutory or constitutional) based on the text adopted by lawmakers as understood by the public at the time that text became law and in accordance with binding precedent. I will strive to apply the law without regard to my personal or policy views.

5. What do you understand originalism to mean?

Response: My understanding of originalism is that it refers to a method of interpreting the Constitution based on its original public meaning to reasonable people at the time it was adopted.

6. Do you consider yourself an originalist?

Response: Generally speaking, yes. But I also recognize there exists significant precedent concerning what particular constitutional provisions mean and how those provisions are to be interpreted. If I am fortunate enough to be confirmed, I will apply all binding precedent, including on issues of how to interpret constitutional provisions.

7. What do you understand textualism to mean?

Response: My understanding of textualism is that it refers to a method of interpreting statutes based on the plain, objective, and ordinary meaning of the words at the time they were enacted, and following the text as written.

8. Do you consider yourself a textualist?

Response: Generally speaking, yes. But please also see my response to Question 6 above. If I am fortunate enough to be confirmed, I will apply all binding precedent, including on issues of how to interpret particular statutes.

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

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

Response: Generally speaking, I don't believe legislative history is useful in interpreting or analyzing a statute because the comments of legislators have not gone through the constitutional process of bicameralism and presentment. That said, I am aware that courts applying a textualist approach will still sometimes consult legislative history, not to give effect to the subjective intent of any given legislator,

but to “ferret out ... shifts in linguistic usage or subtle distinctions between literal and ordinary meaning.” *Bostock v. Clayton Cnty.*, 590 U.S. 644, 675 (2020). Moreover, where binding precedent has interpreted a statute in light of legislative history, I will apply that precedent.

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

Response: Generally speaking, I believe congressional intent matters because the Constitution assigns to Congress the power to legislate. That said, I believe it is the text of a statute that best reflects congressional intent, because that text has survived the rigorous constitutional process of bicameralism and presentment. If I am fortunate enough to be confirmed, I would apply all binding precedent regarding what a statute means and how that statute is to be interpreted.

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

- a. What do you attribute this to?

Response: The cause of disparities like the one discussed here is a topic of ongoing public debate, as are the best means to address such disparities. Therefore, as a judicial nominee, it would be improper for me to address those subjects. I believe racial disparity in the criminal justice system is a serious matter that should be carefully examined with data-driven analysis grounded in the law.

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

- a. What do you attribute this to?

Response: Please see my response to Question 10. I believe sentencing disparities could result from a range of lawful factors, and it is therefore critically important that a judge apply the law fairly and as written, without any improper bias.

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

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

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

Response: I believe the role of a judge is to apply the law fairly and impartially, and to ensure the Constitutional and all relevant statutes are followed.

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

Response: Yes, I believe no one should ever be excluded from judicial service on the basis of race, ethnicity, sex, religion, or any other protected characteristic. My life has taught me that diversity – whether that is diversity of race, gender, religion, geography, or just diversity of thought – broadens our understanding of issues in a way that heightens our discussions and improves our decisions. I also believe diversity should never supersede merit, qualifications, or fidelity to the law.

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

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

- 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: As noted on my Senate Judiciary Questionnaire, I have an extensive history of public speaking. Any discussions of these particular topics likely occurred during my political campaign, and those events were disclosed either in the Senate Judiciary Questionnaire or supplements thereto. To the best of my knowledge, the answers provided on my Senate Judiciary Questionnaire and supplements disclose all of my relevant public statements.

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

Response: Generally speaking, a court order must be followed unless and until it is modified or stayed by a court of competent jurisdiction.

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

Response: It is my understanding that federal courts typically seek to ensure compliance with court orders through sanctions and civil and criminal contempt procedures, as well as by requiring that parties file status reports and make court appearances to explain compliance efforts and progress. The Supreme Court, for its part, has cautioned that “the contempt power” is something that “uniquely is ‘liable to abuse,’” *Int’l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831 (1994), and that “care is needed to avoid arbitrary or oppressive conclusions,” *Bloom v. Illinois*, 391 U.S. 194, 202 (1968) (citation omitted). I would apply these instructions and any other governing law and precedents to assess whether any allegations of noncompliance were correct or whether any recognized defenses apply.

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

Response: Please see my responses to Questions 15 and 15.a.

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

Response: The Constitution gives the President the authority to veto legislation passed by Congress. Art. I, § 7, cl. 2. Additionally, the Take Care Clause in the U.S. Constitution directs that the President “shall take Care that the Laws be faithfully executed.” U.S. 9 Const., art. II, § 3, cl. 5. The Supreme Court has cited the Take Care Clause as a source of the President’s authority to engage in “enforcement of federal ... laws passed by Congress,” *Trump v. United States*, 603 U.S. 593, 627 (2024), including by “mak[ing] arrests and prosecut[ing] offenses on behalf of the United States,” *United States v. Texas*, 599 U.S. 670, 678-79 (2023). The Supreme Court has further instructed that, under the Take Care Clause and the Vesting Clause, *see* Art. II, § 1, cl. 1, the Executive Branch possesses certain authority and discretion to prioritize enforcement of federal law. *See, e.g., Texas*, 599 U.S. at 679; *Heckler v. Chaney*, 470 U.S. 821, 832 (1985). How these or any other legal principles apply to presidential action implicates issues that could arise before me as a judge; thus, as a judicial nominee, it would be inappropriate for me to provide further comment. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

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

Response: I am generally aware that the issue regarding the Executive Branch’s withholding of authorized funds was addressed by the Supreme Court’s decision in *Train v. City of New York*, 420 U.S. 35 (1975). I am also generally aware of the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.*, which provides various procedures for addressing budget and funding issues. As this question relates to an issue that is the subject of litigation in the courts, I do not think that it would be appropriate for me to opine further. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

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

Response: Please see my response to Question 17.

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

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

20. 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). If I am fortunate enough to be confirmed, I would faithfully apply the relevant precedents of the Supreme Court and the Tenth Circuit in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to comment further.

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

Response: The Supreme Court has a body of precedents addressing the constitutional limits on legislative delegation of rulemaking authority. *See Gundy v. United States*, 588 U.S. 128, 135-36 (2019) (Kagan, J.) (collecting cases). As a judicial nominee, I don’t think it would be appropriate for me to opine further on how these standards may apply, *see* Code of Conduct of U.S. Judges, Canon 3(A)(6), other than to commit that I will faithfully apply all applicable precedent of the Supreme Court and the Tenth Circuit on this topic.

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

Response: Yes. *Brown v. Board of Education* was correctly decided. While it is typically inappropriate for a nominee to offer views on whether a particular Supreme Court precedent was correctly decided, numerous nominees have made an exception and offered their views

that *Brown* and *Loving v. Virginia* were correctly decided. In line with that practice, I believe it appropriate for me to offer my view that both *Brown* and *Loving* were correctly decided.

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

Response: Yes. The Court ruled in *Griswold* that the Constitution of the United States protects the liberty of married couples to use contraceptives without government restriction

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

Response: Yes, it is binding precedent. The case involved a state law making it a crime for two persons of the same sex to engage in certain intimate sexual conduct. The Court held that the state could not, consistent with the Due Process Clause, enforce such a law against adults engaged in that consensual private sexual conduct. *Lawrence v. Texas*, 539 U.S. 558, 578 (2003).

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

Response: 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. *Obergefell* is binding precedent and if confirmed, I would faithfully follow it and all other Supreme Court precedents.

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

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

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

Response: Please see my response to Question 26 above.

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

Response: I have no personal knowledge concerning the vote counts for the 2020 election. Otherwise, please see my response to Question 26 above.

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

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

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

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

Response: Please see my response to Question 27.a.

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

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

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

Response: Please see my response to question 27.c.

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

Response: The text of the 22nd Amendment would prohibit any person from being “elected to the office of the President” for a third time. U.S. Const., amend. XXII.

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

Response: No.

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

Response: No.

⁴ U.S. CONST. amend. XXII.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

- a. Enrique Tarrío

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

Response: No as to all.

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

Response: No.

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

Response: Yes. If I am fortunate enough to be confirmed, I will timely and accurately complete all required financial disclosures.

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

- a. Do you agree with the above statement?

Response: I was not previously aware of this statement, and I have no first-hand familiarity with it. I generally avoid opining on comments with which I am not familiar. I can say that as a judge, if I am confirmed, I would not prejudge any party or lawyer or their arguments based on political affiliation. To the extent that this question asks me to opine on a matter of political controversy, under the Code of

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

Conduct for United States Judges, it would be inappropriate for me to weigh in further. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- 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: Not that I am aware of.

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

Response: Not that I am aware of.

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

Response: Not that I am aware of.

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

Response: No.

- a. If so, who? What advice did they give?
- b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: No.

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

Response: Not that I am aware of.

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

Response: Not that I am aware of.

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

Response: After receiving written questions from five Senators on April 22, 2026, and from one Senator on April 23, 2026, I reviewed all of the questions to get a feel for the scope of this project. I then reviewed responses provided by some prior nominees to get a sense of the level of detail customarily provided in response to the questions. I conducted some research on the more detailed legal questions, and then began drafting responses. I received feedback from members of the Office of Legal Policy (OLP) at the Department of Justice and then finalized my responses. I authorized OLP to submit my responses to the Senate Judiciary Committee on April 27, 2026. The responses I submitted are my own.