

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

1. You were described as “one of the leaders of a strong anti-abortion faction” during your time in the Kansas legislature, and you opposed language in a proposed abortion ban establishing exceptions for the life or health of the mother. You also championed legislation that seemingly would have limited women’s ability to access *in vitro* fertilization (IVF) and basic birth control methods.

- a. **Do you still believe that abortion should be outlawed even in cases where the life or health of the mother is at risk?**

Response: This question touches on a matter of significant political debate and controversy. As a judicial nominee, I believe it would be inappropriate to comment or opine on this issue. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

- b. **Do you still believe that women’s access to IVF and birth control should be limited?**

Response: This question touches on a matter of significant political debate and controversy. As a judicial nominee, I believe it would be inappropriate to comment or opine on this issue. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

- c. **Given your lengthy and extreme record on this issue, how could any litigant who appears before you in a case involving reproductive rights reasonably believe that you have not prejudged the matter?**

Response: During the nearly 20 years that I was on the bench in Kansas, there were times in which I was called upon to make rulings contrary to my personal views because that is what the law required. With respect to cases involving abortion or reproductive rights, I will faithfully apply the law regardless of my personal views on the matter, as I would in any matter that could come before me.

2. While you were serving as a state district judge, you were assigned to oversee a criminal case against Dr. George Tiller, who was an abortion provider in Kansas and was a longtime target of the anti-abortion movement. Prior to his criminal trial, he had survived an assassination attempt, a bombing of his clinic, and constant public attacks from rightwing organizations and media.

After you were assigned to his case, the *Associated Press* reported that you had participated in a press conference outside of Dr. Tiller’s clinic in which you accused him

of “defying legal and moral authority.” Further reporting stated that you had “repeatedly accused” the former Kansas Attorney General of failing to investigate Dr. Tiller.

You did not initially recuse yourself from Dr. Tiller’s case. His lawyer had to file a motion requesting that you do so. Dr. Tiller was ultimately acquitted. Shortly afterwards, an anti-abortion extremist assassinated him while he was volunteering at his church.

a. Why did you not initially recuse yourself from Dr. Tiller’s criminal prosecution?

Response: As I stated in my recusal ruling at the time, I did not recall the comments attributed to me regarding Dr. Tiller. In fact, to this day I do not recall making them. Thus, prior to the Associated Press story, I did not see any reason to recuse myself as I genuinely believed I could be fair and impartial in the case. After the Associated Press story came out, it was appropriate for me to recuse myself as I came to the conclusion that a reasonable person could doubt my ability to be fair and impartial regarding Dr. Tiller.

b. Given your prior commentary on Dr. Tiller, do you regret the way you handled this matter?

Response: No.

3. In 1999, news outlets reported that a 14-year-old Arizona girl who was a ward of the state traveled to Kansas seeking a late-term abortion. You were quoted as saying that “[c]ases like this once again bring us to the reality that Kansas is the abortion capital of the nation...I think this case helps us.”

a. Why did you state that the tragic case of a 14-year-old girl who became pregnant after she was raped helped your cause?

Response: My recollection is that at the time, while I was in the Kansas Legislature, there was a concern that Kansas had become a haven for abortions nationwide and this particular case highlighted that concern.

The Arizona Supreme Court had ruled that the girl could seek an abortion outside of Arizona. After she traveled to Kansas, anti-choice activists reportedly searched for the girl throughout the state with the intention of preventing her from obtaining an abortion.

b. Did you take part in any efforts to locate this girl?

Response: No.

4. At your hearing, I asked you about your prior opposition to the multi-billion dollar settlements that tobacco companies entered into with nearly every state in response to the public health crisis they caused.

You claimed that your opposition was based on the issue of attorney’s fees. However, as a state legislator, you specifically voiced concern that litigation against tobacco companies would “pave the way for more lawsuits against manufacturers of legal products,” including firearms manufacturers, and you stated that you wanted to explore the possibility of limiting such lawsuits via statute. You also apparently invited lawyers from the American Legislative Exchange Council (ALEC) to speak to lawmakers about ALEC’s opposition to Kansas’s \$1.8 billion settlement with tobacco companies.

a. Why did you invite ALEC to speak with your fellow lawmakers about opposition to the tobacco settlements? Was ALEC’s opposition based solely on the issue of attorney’s fees?

Response: At that time, I did have great concerns about the tobacco settlement, which was principally, but not solely, based upon my opposition to the attorney fee provisions contained in the settlement. As a result of the controversy, I was able to get passed significant reform legislation which changed the way the State of Kansas hired outside counsel and how class action settlements brought by the State of Kansas would be settled. I invited ALEC to speak with fellow lawmakers because they were very knowledgeable about the issues surrounding the tobacco settlement. As I recall, ALEC’s opposition was not limited to the attorney fee issue.

b. Do you believe that a product’s legality should automatically shield its manufacturer from liability for any harms caused?

Response: This question touches on a matter of significant political debate and controversy. As a judicial nominee, I believe it would be inappropriate to comment or opine on this issue. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

5. Did President Trump lose the 2020 election?

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

6. Where were you on January 6, 2021?

Response: Wichita, Kansas.

7. Do you denounce the January 6 insurrection?

Response: The question touches on a matter of significant political debate. As a judicial nominee, I believe it would be inappropriate to comment or opine on the events at the Capitol on January 6, 2021. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

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

Response: This question touches on a matter of significant political debate and controversy. As a judicial nominee, I believe it would be inappropriate to comment or opine on this issue. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

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

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

Response: Generally, litigants can seek appellate review if they disagree with a court's order.

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

Response: Litigants are expected to comply with all lawful court orders.

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

Response: Generally, the judicial branch is responsible for determining whether a federal court order is lawful.

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

a. Are non-party injunctions constitutional?

Response: According to *Trump v. CASA, Inc.*, 606 U.S. 831, 841 (2025), district judges lack equitable authority to bind parties not properly before them.

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

Response: Please see my response to Question 10.a. above.

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

Response: Please see my response to Question 10.a. above.

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

Response: In a number of cases my client has sought vacatur under the Administrative Procedure Act. That is typically considered different than a non-party injunction issued purportedly under a court's equitable authority. Kansas joined a number of other states in litigation seeking vacatur under the Administrative Procedures Act, but I cannot recall in which cases a non-party injunction was also sought. I recall that I was involved with four multi-state cases in which Kansas was the lead plaintiff and a non-party injunction was sought. Those cases are:

Kansas v. Bondi, 6:24-cv-01086-TC-JBW (D. Kan.), No. 24-3101 (10th Cir. 2024);

Kansas v. Kennedy, 1:24-cv-00110-LTS (N.D. Iowa 2024), No. 25-1097 (8th Cir. 2025);

Kansas v. U. S. Dept. of Education, 5:24-cv-04041-JWB-ADM (D. Kan.), No. 24-3087 (10th Cir. 2024);

Kansas v. United States, 1:24-cv-00150-DMT (D. N.D.), No. 24-3521 (8th Cir. 2024).

11. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

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

Response: The 22nd Amendment states that presidents may serve up to two terms.

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

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

- 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, I do not believe it would be appropriate to comment or opine on statements from political figures on any subject of political controversy. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

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

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

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

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

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

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

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

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

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

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

Response: Lower courts are bound by Supreme Court precedent.

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

Response: Circuit courts should follow established practices and precedents when determining whether it would be appropriate to overturn circuit court precedent.

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

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

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

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

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

a. *Brown v. Board of Education*

Response: Yes. As a judicial nominee, it would be inappropriate to opine on the correctness of Supreme Court precedent with two exceptions: *Brown* and *Loving*. Both are landmark decisions and have been recognized by prior nominees as so deeply rooted that the correctness of their judgement is beyond question. If confirmed, I would faithfully apply all binding Supreme Court precedent, including the decisions listed in Questions 18.b-m. below.

b. *Plyler v. Doe*

Response: *Plyer* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

c. *Loving v. Virginia*

Response: Please see my response to Question 18.a. above.

d. *Griswold v. Connecticut*

Response: *Griswold* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

e. *Trump v. United States*

Response: *Trump v. United States* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

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

Response: *Dobbs* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

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

Response: *Bruen* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

h. Obergefell v. Hodges

Response: *Obergefell* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

i. Bostock v. Clayton County

Response: *Bostock* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

j. Masterpiece Cakeshop v. Colorado

Response: *Masterpiece Cakeshop* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

k. 303 Creative LLC v. Elenis

Response: *303 Creative* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

l. United States v. Rahimi

Response: *Rahimi* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

m. Loper Bright Enterprises v. Raimondo

Response: *Loper Bright* is binding Supreme Court precedent. If confirmed, I would faithfully apply it.

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

Response: The Supreme Court has interpreted constitutional provisions by their original public meaning. If confirmed, I would follow all binding Supreme Court and Tenth Circuit precedent when interpreting constitutional provisions.

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

Response: If confirmed, I would be bound by all binding Supreme Court and Tenth Circuit precedent regarding the meaning of the Constitution. In the rare circumstance when a district court is required to consider novel constitutional questions, Tenth Circuit

and Supreme Court precedent suggests that an original-public-meaning analysis would be appropriate.

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

Response: The Supreme Court held in *Obergefell* that the Constitution provides a constitutional right to same-sex marriage. If confirmed, I would faithfully apply that binding precedent.

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

Response: The Supreme Court’s *Loving* decision holds that the Constitution includes that right. If confirmed, I would faithfully apply that binding precedent.

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

Response: Generally speaking, the Equal Protection Clause of the Fourteenth Amendment prohibits governmental infringement of fundamental rights and discrimination based on quasi-suspect or suspect characteristics. The Supreme Court has interpreted the Due Process Clause of the Fourteenth Amendment to establish procedural rules and substantive rights. If confirmed, I would faithfully follow any binding Supreme Court precedent on these matters.

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

Response: The Supreme Court has found that these clauses prohibit discrimination based on sex and sexual orientation. If confirmed, I would faithfully follow all binding Supreme Court precedent when interpreting constitutional provisions.

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

Response: Please see my responses to Questions 19 and 20 above.

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

Response: Please see my responses to Questions 19 and 20 above.

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

Response: The Supreme Court has held that the First Amendment protects individuals, corporations, and speech. If confirmed, I would faithfully apply binding Tenth Circuit and Supreme Court precedent involving the First Amendment.

28. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?

Response: The Supreme Court has held that “[c]ontent-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *Reed v. Town of Gilbert, Arizona*, 576 U.S. 155, 163. A law is content neutral if it can be “justified without reference to the content of the regulated speech.” *Id.* at 167. If confirmed, I would faithfully apply all binding Tenth Circuit and Supreme Court precedent on this issue.

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

Response: The Supreme Court has held that the First Amendment does not protect true threats, “serious expressions conveying that a speaker means to commit an act of unlawful violence,” *Counterman v. Colorado*, 600 U.S. 66, 74 (2023), under a recklessness standard. *Id.* at 79-82.

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

Response: The Supreme Court has stated that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Beyond that, as a judicial nominee, it would be impermissible for me to opine on any pending or impending litigation or forecast how I might rule in any particular case. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

31. 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 inappropriate to comment or opine on this issue because it is a subject of political controversy and debate, and is also being actively litigated. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5. If confirmed, I would follow all binding Tenth Circuit and Supreme Court holdings.

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

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

Response: Please see my response to Questions 30 and 31 above.

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

Response: Please see my response to Questions 30 and 31 above.

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

Response: No one should be excluded from the federal bench because of their race, ethnicity, sex, religion, or any other protected characteristic. Attorneys with different backgrounds can provide valuable perspectives.

- 34. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.**

- a. **How do you view the role of federal judges in implementing the *First Step Act*?**

Response: District judges are obligated to faithfully apply the First Step Act, and follow all precedents interpreting it from circuit courts and the Supreme Court.

- 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.

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

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

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

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

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

Response: I believe it would be inappropriate to comment or opine on public statements from political figures, especially regarding matters involving political controversy or debate. *See Code of Conduct of U.S. Judges Canons 3(A)(6), 5.*

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

Response: Please see my response to Question 35.b.i. above.

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

Response: Yes.

- c. **During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.**

Response. I do not know either Leonard Leo or Steven Calabresi. However, I have several friends and acquaintances associated with the Federalist Society in Kansas. I have spoken to a few of those individuals generally about my application and the selection process. They have been encouraging and congratulated me upon my nomination.

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

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

Response: Yes, as disclosed on my Senate Judiciary Questionnaire.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: I am in regular discussions with members of that organization because that organization has been involved in a number of cases the State of Kansas has brought and defended. In addition, I have friends and acquaintances associated with ADF. I have spoken to a few of those individuals generally about my application and the selection process. They have been encouraging and congratulated me upon my nomination.

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

Response: The State of Kansas has served as co-counsel with ADF, such as on *Hodes & Nauser, MDs, PA v. Kobach*, JO-2023-CV-3140 (Johnson Co. Dist. Ct.), as described in my Senate Judiciary Questionnaire. I have also attended the occasional conference hosted by the organization.

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

Response: No.

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

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

Response: No.

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

Response: No.

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

Response: No.

- d. **Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.**

Response: I am unaware of what particular activities private groups and individuals might be undertaking to advocate for or against my confirmation. If I am confirmed, any public advocacy for or against my confirmation will be irrelevant to my decision-making as a judge. To the extent that this question is addressed to whether I think such donations should be made public as a policy matter, I do not believe that it would be appropriate for me, as a judicial nominee, to address such policy questions. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

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

Response: Impartiality and the appearance of impartiality are important in maintaining the public's confidence in the judicial system. If confirmed, I will consult the relevant canons and rules in determining whether a conflict of interest exists. To the extent this question is asking for an opinion on political policy, I believe it would be inappropriate to comment or opine on this issue. See Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

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

Response: Please see my responses to Questions 42.d-e. above.

Nomination of Anthony Powell
Nominee to be District Judge for the District of Kansas
Questions for the Record
Submitted April 22, 2026

1. In January 2026, you were admonished and sanctioned by a Kansas state court for filing a motion that you knew, “or should have known, the district court lacked jurisdiction to consider,” that violated an earlier court order, that made claims “not warranted by existing law,” and for which the court could “divine no legal support.”

- a. Have you paid the imposed sanction?

Response: I paid the \$1 sanction.

- b. Have you taken any remedial training following this admonishment?

Response: No, as no remedial training was ordered by the court.

- c. Have you ever been sanctioned by a court aside from this instance?

Response: No.

- d. Have you ever been admonished by a court aside from this instance?

Response: No.

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

For Anthony John Powell, to the U.S. District Court for the District of Kansas

During your time as Solicitor General, you argued before the Kansas Supreme Court to overturn the right to an abortion.

- Isn't it true the Court ultimately affirmed that the state constitution protects this right?

Response: The Kansas Supreme Court in the case of *Hodes & Nauser, MDs, P.A. v. Schmidt*, 309 Kan. 610, 440 P.3d 461 (2019), held that Section 1 of the Kansas Constitution Bill of Rights guarantees women the right to personal autonomy, which includes the right to abortion. In the two cases I argued before the Kansas Supreme Court, *Hodes & Nauser, MDs, P.A. v. Stanek*, 318 Kan. 995, 551 P.3d 62 (2024), and *Hodes & Nauser, MDs, P.A. v. Kobach*, 318 Kan. 940, 551 P.3d 37 (2024), the Kansas Supreme Court reaffirmed this holding, however both Justice Wilson's concurrence and the dissent stated that the right of personal autonomy had been limited by the *Stanek* opinion to those determined to have "unique and profound attributes."

**Nomination of Anthony Powell 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 drafted responses to these questions while reviewing case law, statutes, the Constitution, and prior judicial nominees' responses to similar questions. I received feedback from the Office of Legal Policy at the U.S. Department of Justice, finalized my answers, and authorized them to be submitted to the Senate Judiciary Committee.

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

Response: Yes, if the response fairly and accurately reflects a nominee's views in response to a particular question.

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

Response: Yes.

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

Response: Yes.

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

Response: No.

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

Response: No.

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

Response: Marvin Martin, who was the founder of Martin and Churchill, Chartered, the first law firm I went to work for when I graduated from law school, was a wonderful role model for me as a young lawyer. He was scrupulously honest, smart, and hard working. He told me that my law degree was worth at least a million dollars and that I should never do anything to endanger it. Judge Thomas Malone of the Kansas Court of Appeals has also been a role model for me. He was the hardest working judge I've ever worked with, he was impartial, respectful of litigants and the lawyers, knowledgeable of the law, and courageous. Like me, he was also a judge on the Sedgwick County District Court before he ascended to the Court of Appeals. During my judicial career, I have always striven to be like him.

6. How would you describe your judicial philosophy?

Response: As a judge, I believe it is my duty to follow the law as written as opposed to imparting my own view of what the law ought to be.

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: The Supreme Court has found that the Fourteenth Amendment contains certain fundamental, substantive due process rights. If confirmed, I will faithfully follow all binding Tenth Circuit and Supreme Court precedent regarding substantive due process rights.

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

Response: Yes.

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

Response: Yes. I would consider whether a right is deeply rooted in this nation's history and tradition by looking to the types of sources relied on in cases like *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022), *Washington v. Glucksberg*, 521 U.S. 702 (1997), and *United States v. Rahimi*, 602 U.S. 680 (2024). If confirmed, I would faithfully apply all binding Tenth Circuit and Supreme Court precedent.

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

Response: Yes. I would faithfully follow all binding Tenth Circuit and Supreme Court precedent regarding whether a right has been previously recognized. In the absence of controlling precedent, I would also consider precedent of another court of appeals as persuasive.

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

Response: Yes.

- e. What other factors would you consider?

Response: I would consider any other relevant factors relied upon by the Tenth Circuit, Supreme Court, or other circuit courts.

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: Under such circumstances, I would look for binding precedent and consider the briefing of the parties regarding available remedies.

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 states that no person may be elected to the office of the President more than twice.

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

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

11. 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: As a judicial nominee, I do not believe it would be appropriate to comment or opine on statements from political figures on any subject of political controversy. *See* Code of Conduct of U.S. Judges Canon 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. above.

- 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. above.

- 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. above.

- 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. above.

- 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. above.

- 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. above.

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: The Supreme Court has stated that what matters under 28 U.S.C. § 455(a) "is not the reality of bias or prejudice but its appearance." *Microsoft v. United States*, 530 U.S. 1301, 1302 (2000) (quoting *Liteky v. United States*, 510 U.S. 540, 548 (1994)). "This inquiry is an objective one, made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances." *Id.* If confirmed, I will follow § 455, the Code of Conduct for United States Judges, Tenth Circuit and Supreme Court precedent, and all other relevant rules, practices, ethical requirements, and guidance from colleagues when considering whether actual or potential conflicts of interests exist.

13. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission adopted an amendment to supervision guidelines implementing certain parts of the bill; this amendment went into effect on November 1.

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

Response: Yes.

- 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

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

Response: Yes.

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

Response: As a judicial nominee, I believe it would be inappropriate to comment or opine on this issue because the question appears to touch on a matter of public controversy and debate, and that has been or is currently being litigated. *See* Code of Conduct of U.S. Judges Canon 3(A)(6), 5.

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

Response: The Supreme Court has stated that the “freedom to travel throughout the United States has long been recognized as a basic right under the Constitution.” *United States v. Guest*, 383 U.S. 745, 758 (1966).

- 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 of both the Tenth Circuit and the Supreme Court, including *United States v. Guest*, 383 U.S. 745, 758 (1966) and *Saenz v. Roe*, 526 U.S. 489, 500 (1999). I would also look to authority from other circuits.

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

Response: The Supreme Court has recognized a fundamental right to privacy in certain contexts. If confirmed, I would faithfully apply all binding Supreme Court precedent.

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

Response: The Supreme Court has recognized that the Constitution protects a woman’s right to use contraceptives. See *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972). If confirmed, I would faithfully apply all binding precedent on this issue.

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

Response: No. I understand originalism to mean that the Constitution and statutes should be interpreted by their original public meaning, that is, in accord with what would have been understood by the public at the time of ratification or enactment. But the application of that interpretive method does not have to be rigid or identical. For example, while discussing originalism in the context of interpreting the Second Amendment, the Supreme Court noted that “some courts have misunderstood the methodology of our recent Second Amendment cases. These precedents were not meant to suggest a law trapped in amber.” *United States v. Rahimi*, 602 U.S. 680, 691 (2024). “[T]he Second Amendment is not limited only to those arms that were in existence at the founding,” and it “permits more than just those regulations identical to ones that could be found in 1791. Holding otherwise would be as mistaken as applying the protections of the right only to muskets and sabers.” *Id.* at 691-92. “A court must ascertain whether the new law is “relevantly similar” to laws that our tradition is understood to permit, “apply[ing] faithfully the balance struck by the founding generation to modern circumstances.” *Id.* at 692 (cleaned up). If confirmed, I will faithfully apply all binding precedent regarding the application of constitutional interpretation.

- 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: I would consult binding Tenth Circuit and Supreme Court precedent, the text of the constitutional provision and its broader context, precedent from other courts of appeals, and historical sources (e.g., founding-era dictionaries, Federalist and anti-Federalist Papers, ratification debates).

18. 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 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). There are precedents addressing what process is due under certain contexts. I would faithfully apply all binding precedent addressing due process claims.

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

Response: Any decision on whether a party should be held in contempt would depend on the facts and circumstances of each individual case. Generally speaking, I could consider initiating contempt proceedings by providing notice, normally through a show-cause order, to the official and provide that official an opportunity to be heard on the matter through written response or by holding a hearing, or both. I would then seek to determine whether the official had knowledge of a lawful order, willfully failed to comply, and whether the party had a valid defense.

20. As Solicitor General of Kansas, you have worked closely with Kansas Attorney General Kris Kobach, who has faced repeated judicial rebukes for his conduct in court, including being held in contempt for disobeying a court order. Moreover, you and Kobach were admonished and fined by Kansas District Judge Thomas Luedke for “filing a motion that [you] knew, or should have known, the district court lacked jurisdiction to consider.”

- a. Please explain your role, if any, in the decision to inappropriately file this motion.

Response: Please see my answer to Question 3.b. of my Confidential Senate Judiciary Committee Questionnaire.

- b. 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 would generally consider the arguments by the parties to the litigation and the specific circumstances in determining whether a party was acting in bad faith. I would faithfully follow binding precedent regarding whether a party had engaged in abusive litigation tactics.

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

Response: If a court determines that a party has engaged in such practices, the court has broad authority to impose sanctions or other remedies – all designed to punish the misconduct, deter future violations, and compensate the opposing party for expenses incurred.

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

Response: There are some instances where a court is required to consider the practical consequences of a particular ruling, such as whether to grant a stay or temporary injunction. In most instances, however, a court should rule according to the law without regard to the consequences.

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

Response: A judge should be able to set aside his or her personal life and make decisions on the facts and law in a dispassionate way without undue influence of improper factors. If confirmed, I commit to conducting myself in an honorable way, knowing the potential effect on the judiciary.

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

Response: A judge should be mindful that the decisions he or she makes has an impact on the lives of real people. However, a judge should rule according to the law, regardless of whether he or she empathizes with a litigant.

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

Response: I have been a lawyer for over 30 years, and I was a state court judge for nearly 20 years. I have presided over thousands of cases and wrote roughly 700 opinions while a judge on the Kansas Court of Appeals. Given all these experiences, it is nearly impossible to pick only one case that I am most proud of. I am very proud of my entire record as a lawyer and judge. During my tenure as a state district judge, I am particularly proud of my work as the Presiding Judge in the Family Law Department making the court accessible to all litigants.

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

Response: Yes. I think it's important that junior lawyers are provided opportunities to gain valuable experience. Those opportunities, of course, should be balanced with the need to avoid unwarranted costs to the parties.

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

Response: During my career as a judge and as Solicitor General, I have had the wonderful opportunity to mentor young lawyers. Thus, in addition to being open to the idea of a standing order like the one described above, if confirmed, I would consider participating in young lawyer mentoring programs.

26. Discuss your proposed hiring process for law clerks.

Response: If confirmed, I would seek the advice of my colleagues in the District of Kansas as to the best procedures and timelines for clerk hiring.

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

Response: I was state court judge for nearly 20 years and have employed a number of staff during that time. I take seriously the responsibility of ensuring that judicial staff are treated with the utmost dignity and respect. If confirmed, I would not tolerate misconduct, harassment, or any form of discrimination in the court or chambers. I believe it would be inappropriate to comment further because the question calls for an opinion on a political matter and one that could be the subject of future litigation. *See* Code of Conduct for U.S. Judges, Canons 3(A)(6), 5.

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

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

Response: Please see my response to Question 26.a. above. Additionally, if confirmed, I would consult with colleagues in the District of Kansas for advice on preferred policies and available programs and training.

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 responses to Questions 26.a. and 27.a. above. I would also welcome input from current and former clerks and judicial staff.

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

Response: I would consider all options under the circumstances, including reporting the allegations to the appropriate authorities.

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

Response: The characterization of the events at the Capitol on January 6, 2021, is a topic of political and legal debate and controversy. Whether those events were an “insurrection” or “not an insurrection” has significance for application of Section 3 of the Fourteenth Amendment, an issue that has already spawned litigation and the enforcement of which is at least partially entrusted to Congress as a political branch. See *Trump v. Anderson*, 601 US. 100 (2024). In addition, the legal effect of pardons related to the events at the Capitol on January 6 is subject to ongoing litigation and could arise in matters pending before me if confirmed, and persons who were present at the Capitol on January 6 could appear before me as parties. More broadly, I am aware of general disputes in the public and media concerning how to describe the events of January 6. Thus, I believe it would be inappropriate to comment or opine further on this issue. See Code of Conduct of U.S. Judges Canon 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 28 above.

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

Response: Please see my response to Question 28 above.

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

Response: Please see my response to Question 28 above.

31. You have staunchly advocated for anti-abortion positions as a member of the Kansas House of Representatives and as Solicitor General of Kansas.

- a. As a Kansas state judge, did you recuse yourself from any cases that came before you about reproductive healthcare procedures like abortion, given your past statements and associations?

Response: No.

- b. In your Senate Judiciary Questionnaire, you note that you recused yourself from the prosecution of an abortion provider “not because of [your] previously stated prolife views,” but because comments you made about him previously as a legislator “could have been perceived by a reasonable person that [you] were not unbiased towards” the defendant specifically. You recused yourself after these comments came to light and the provider’s counsel moved for your recusal.

- A) Why did you wait to recuse yourself from the case until your previous comments came to light instead of recusing yourself at the outset of the case?

Response: As I stated in my recusal ruling at the time, I did not recall the comments attributed to me regarding Dr. Tiller. In fact, to this day I do not recall making them. Thus, prior to the Associated Press story, I did not see any reason to recuse myself as I genuinely believed I could be fair and impartial in the case. After the Associated Press story came out, it was appropriate for me to recuse myself as I came to the conclusion that a reasonable person could doubt my ability to be fair and impartial regarding Dr. Tiller.

- B) In light of your policy views on abortion, do you think you would have recused yourself from this case even if you had not previously made comments about the specific defendant before you?

Response: No. My personal views do not impair my fair and impartial application of the law as is reflected in over 700 opinions I have authored as a judge on the Kansas Court of Appeals and the thousands of cases I have presided over during my tenure as a Sedgwick County District Court Judge. I have worked hard to faithfully and impartially apply the law during my nearly 20 years on the bench. If confirmed, I will follow the precedent of the Supreme Court and the U.S Court of Appeals for the Tenth Circuit.

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

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

Questions for the Record for Judge Anthony Powell
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: 28 U.S.C. § 455(a) states that a judge “shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” The Supreme Court has stated that “[t]his inquiry is an objective one, made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances.” *Microsoft v. United States*, 530 U.S. 1301, 1302 (2000). The import of § 455(a) “is not the reality of bias or prejudice but its appearance.” *Id.* (quoting *Liteky v. United States*, 510 U.S. 540, 548 (1994)). If confirmed, I will follow § 455, the Code of Conduct for United States Judges, Tenth Circuit and Supreme Court precedent, and all other ethical rules and obligations regarding judicial conduct when considering whether actual or potential conflicts of interest exists.

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

Response: Please see my response to Question 1 above.

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

Response: Please see my response to Question 1 above.

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

Response: Please see my response to Question 1 above.

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

Response: If confirmed, I will faithfully comply with all ethical rules and obligations regarding judicial conduct.

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

Response: Please see my response to Question 2 above.

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

Response: Please see my response to Question 2 above.

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

Response: Please see my response to Question 2 above.

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

Response: Yes.

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

Response: If confirmed, I will faithfully comply with all ethical rules and obligations regarding judicial conduct, including any requirements related to potential conflicts of interest and gifts.

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

Response: If confirmed, I will faithfully comply with all ethical rules and obligations regarding judicial conduct, including any rules and obligations related to privately funded travel, hospitality, or entertainment.

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

Response: If confirmed, I will faithfully comply with all ethical rules and obligations regarding judicial conduct, including any rules and obligations that impact teaching, speaking, or writing activities.

- 4. The House Republican-authored budget reconciliation bill for Fiscal Year 2026 had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or

Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

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

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

Response: The Supreme Court has stated that “the power to punish for contempts is inherent in all courts, has been many times decided and may be regarded as settled law. It is essential to the administration of justice.” *Michelson v. United States ex rel. Chicago, St. P., M., & O.R. Co.*, 266 U.S. 42, 65 (1924).

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

Response: It appears that this question calls for an opinion on a topic of political controversy or debate. As a judicial nominee, I believe it would be inappropriate to comment or opine on this issue. See Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

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. Generally speaking, district courts are able to enforce orders through status reports, show-cause orders, civil and criminal contempt procedures, and sanctions.

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

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

- 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: Subject to a few very narrow exceptions, such as the court's lack of jurisdiction or impossibility, all litigants, including executive branch officials, are expected to comply with all lawful court orders, including temporary restraining orders and preliminary injunctions. If a litigant receives an adverse ruling, the standard options are to request a stay and seek appellate review. Beyond that, as a judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly considering this is an abstract question of law of ongoing political and legal debate. See Code of Conduct for U.S. Judges, Canons 3, 5.

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

Response: Subject to a few very narrow exceptions, such as the court's lack of jurisdiction or impossibility, all litigants, including state officials, are expected to comply with all lawful court orders, including temporary restraining orders and preliminary injunctions. If a litigant receives an adverse ruling, the standard options are to request a stay and seek appellate review.

- d. What would make a court order unlawful?

Response: I have not studied this issue in depth, but a few examples of possible unlawful orders would be impossibility, lack of jurisdiction, and when a court exceeds its authority.

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

Response: Generally, if a litigant believes a court's order is unlawful, the normal course is to seek appellate review.

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

Response: I have not studied this issue in depth. I am unaware of when and how litigants can respond to adverse rulings by means other than what is noted in my response to Question 5.d.i. above.

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

Response: No. I was in Wichita, Kansas on January 6, 2021.

- 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: As it appears this question touches on a matter of significant political debate and controversy, it would be inappropriate for me to comment on opine on the events that occurred at the United States Capitol on January 6, 2021. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

8. Who won the 2020 election?

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

9. Who won the 2024 election?

Response: President Trump was certified as 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 above.

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

Response: Please see my response to Question 9 above.

- c. Did Donald Trump lose the 2024 election?

Response: Please see my response to Question 9 above.

10. When you were in the Kansas legislature, you opposed an exception to an abortion ban to “preserve the life or health of the pregnant woman.” You also supported a bill that would have given health care providers the ability to limit access to birth control.

In your current role as Solicitor General of Kansas, you asked the Kansas Supreme Court to overturn a 2019 ruling that had protected the right to abortion as part of a “fundamental right to personal autonomy” under the state constitution. As Solicitor General, you have also joined an amicus brief supporting the plaintiffs in a case challenging the FDA’s approval of mifepristone.

If confirmed, how can future litigants trust that you will remain unbiased on reproductive health issues?

Response: I believe that both the appearance of impartiality and actual impartiality are important in maintaining public confidence in our system of justice. If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Anthony Powell

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. While serving as Solicitor General, you filed briefs with the Kansas Supreme Court asking to end longstanding school finance litigation. These school districts repeatedly sued the Republican-controlled legislature to provide minimum adequate funding to public schools. **How would making it harder for schools to receive proper funding benefit children who experience unequal education?**

Response: On June 14, 2019, the Kansas Supreme Court issued an opinion holding that the State of Kansas had substantially complied with the Court's orders that required it to bring the K-12 public education financing system into compliance with the adequacy requirement of the Kansas Constitution. *Gannon v. State*, 309 Kan. 1185, 443 P.3d 294 (2019). However, in light of the fact that the approved remediation plan involved a series of funding increases to be phased in through the 2022-2023 school year, the Court retained jurisdiction to ensure continued implementation of the scheduled funding. *Id.* at 1201. Because the 2022-2030 school year ended on June 30, 2023, all planned funding had been phased in successfully. Thus, the State of Kansas filed a motion asking the Court to relinquish jurisdiction and issue the mandate as continued supervision by the Kansas Supreme Court over school funding was no longer necessary. Even the Plaintiff school districts had agreed that once the phase-in period had been completed, the State's argument that the Court should not retain jurisdiction would "gain credence." The Court agreed and issued the mandate on February 6, 2024. To the extent that this question is asking for an opinion on education funding policy, I believe it would be inappropriate to comment or opine on this issue. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

3. While working in the state legislature of Kansas, you were described by the *Topeka Capital Journal* as "one of the leaders of a strong anti-abortion faction." You've joined an *amicus brief* opposing mifepristone and supporting a law to criminalize abortions. You've taken many clear, public stances opposing access to reproductive healthcare. **If**

confirmed, will you recuse yourself from any case involving access to reproductive healthcare given your clear bias on the issue?

Response: I believe that both the appearance of impartiality and actual impartiality are important in maintaining public confidence in our system of justice. If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

4. You have been a board member of the Bill of Rights Institute. This organization received hundreds of thousands in funding from the Koch brothers and Leonard Leo linked groups. **If confirmed, will you recuse yourself from any litigation involving this organization and/or its funders?** Note, the Code of Conduct for United States Judges is available online at <http://www.uscourts.gov>. Rather than saying you will consult that code in the future, please do so now and provide your response based on your good faith interpretation of the Code's requirements.

Response: Please see my response to Question 3 above.

Nomination of Anthony J. Powell
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, I believe it would be inappropriate to comment or opine on statements from political figures or on topics of political controversy. *See* Code of Conduct of U.S. Judges Canons 3(A)(6), 5.

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: To the best of my knowledge, every nominee appearing before this Committee takes an affirmative oath to give truthful testimony. However, as a judicial nominee, it would be inappropriate for me to comment on how this Committee should address a hypothetical situation in which a federal judge knowingly provided false testimony to the Committee.

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: To the best of my knowledge, every nominee appearing before this Committee takes an affirmative oath to give truthful testimony. However, as a judicial nominee, it would be inappropriate for me to comment on how this Committee should address a hypothetical situation in which a federal judge knowingly provided false testimony to the Committee

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>.

4. How would you characterize your judicial philosophy?

Response: My judicial philosophy is that a judge should apply the law as written regardless of what that judge's individual views may be.

5. What do you understand originalism to mean?

Response: While there are probably several different definitions and understandings of originalism, generally speaking, originalism means interpreting a constitutional provision according to the original intent of those who adopted the provision and as the text would have been understood by reasonable people at the time of its adoption.

6. Do you consider yourself an originalist?

Response: Generally, yes. If confirmed as a district judge, I will faithfully apply all binding precedent regarding what a law means or how it should be interpreted.

7. What do you understand textualism to mean?

Response: My understanding of textualism is that it is a method of interpretation that focuses on the plain, ordinary meaning of a text, as opposed to the subjective intent of its drafters. It is a method of interpretation that seeks to discern the law by its original meaning.

8. Do you consider yourself a textualist?

Response: Generally, yes. If confirmed as a district judge, I will faithfully apply all binding precedent regarding what a law means and how it should be interpreted.

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: It is the statutory text that best reflects Congress' meaning and intent, and legislative history is clearly subordinate to the actual text of a statute. But in a situation where the statutory text may be ambiguous or unclear, resort to legislative history may shed light on the proper understanding of the language used. If confirmed as a district judge, I will faithfully apply all binding precedent regarding what a law means or how it should be interpreted.

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

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

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: I am unfamiliar with that study and the bases for its finding. I have not conducted the research needed to offer a view about the cause or causes that would explain that finding. As a former state court judge for nearly 20 years, I have earned a reputation of treating individuals before me with dignity, respect, and fairness. If confirmed, I will continue that practice.

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

- a. What do you attribute this to?

Response: Please see my response to Question 10 above.

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

Response: If a federal judge concluded that a prosecutor had committed an ethics violation by prosecuting an individual differently based on race, the court could report that finding to the relevant ethics bodies. The court could also be called upon to rule on a selective prosecution claim. Additionally, 18 U.S.C. § 3553(a)(6) mandates the court to "consider the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." If confirmed, I would faithfully apply all § 3553(a) factors.

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

Response: No one should be denied the opportunity to serve in the judicial branch based on race, sex, ethnicity, religion, or any other protected characteristic.

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

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

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: To the best of my knowledge, my Senate Judiciary Questionnaire discloses all my responsive published writings and public statements. To the best of my recollection, my published writings and public statements have addressed some (but not all) of these topics. To discern which topics my published writings and public statements have addressed, I would consult my Questionnaire and the materials that I provided to the Committee.

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

Response: Litigants, including executive branch officials, are expected to, subject to a few very narrow exceptions, comply with all lawful court orders. Beyond that, as a judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly considering this is an abstract question of law of ongoing political and legal debate. *See* Code of Conduct for U.S. Judges, Canons 3, 5.

- 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: Any decision on whether a party should be held in contempt would depend on the facts and circumstances of each individual case. Generally speaking, a court could consider initiating contempt proceedings by providing notice, normally through a show-cause order, to the official and provide that official an opportunity to be heard on the matter through written response or by holding a hearing, or both. The court would then seek to determine whether the official had knowledge of a lawful order, willfully failed to comply, and whether the party had a valid defense. Beyond that, as a judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly considering this is an abstract question of law of ongoing political and legal debate. *See* Code of Conduct for U.S. Judges, Canons 3, 5.

- 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: Subject to a few very narrow exceptions, such as the court’s lack of jurisdiction or impossibility, all litigants, including executive branch officials, are expected to comply with all lawful court orders, including temporary restraining orders and preliminary injunctions. If a litigant receives an adverse ruling, the standard options are to request a stay and seek appellate review. Beyond that, as a judicial nominee, commenting on a hypothetical situation would be inappropriate, particularly considering this is an abstract question of law of ongoing political and legal debate. *See* Code of Conduct for U.S. Judges, Canons 3, 5.

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

Response: The Constitution requires the President to “take Care that the laws be faithfully executed.” Art. II, § 3. However, how the President ensures that laws are faithfully executed is a matter of public debate and could come before me if confirmed. *See* Code of Conduct for U.S. Judges, Canons 3, 5.

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

Response: Whether a president can impound funds is a matter of public debate. Proponents of a president’s power to impound funds argue that the Vesting Clause, Commander-in-Chief Clause, the President’s foreign affair powers, and the duty to “Take Care” in Article II authorize the President to manage, control, or delay expenditures. Some argue that while Congress has the “power of the purse,” appropriated funds set a ceiling on spending, not mandate that every dollar be spent. By contrast, opponents cite the Impoundment Act and *Train v. City of New York*, 420 U.S. 35 (1975) as authority for the argument that the President lacks authority to impound funds appropriated by Congress. As a judicial nominee, it would be inappropriate to comment on or opine on this issue because it is currently being debated and litigated. *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: As this question relates to an issue that is currently being debated and litigated, I believe it would be inappropriate to opine on this issue. *See* Code of Conduct of U.S. Judges Canon 3(A)(6).

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

Response: Generally, yes.

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). Beyond that, as a judicial nominee, it would be inappropriate for me to comment further as this question relates to an ongoing political debate that is the subject of pending litigation. *See* Code of Conduct for U.S. Judges, Canons 3, 5. If confirmed, I would faithfully apply all binding precedent on this issue.

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

Response: As a general matter, yes, as long as “Congress has set out an ‘intelligible principle’ to guide what it has given the agency to do.” *FCC v. Consumers’ Research*, 606 U.S. 656, 657 (2025). In doing so, “Congress must make clear both ‘the general policy’ the agency must pursue and ‘the boundaries of [its] delegated authority.’” *Id.* at 658 (quoting *American Power & Light Co. v. SEC*, 329 U.S. 90, 105 (1946)). If confirmed, I would faithfully apply all binding precedent on this issue.

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

Response: Yes. As a judicial nominee, it would be inappropriate to opine on the correctness of Supreme Court precedent with two exceptions: *Brown* and *Loving*. Both are landmark decisions and have been recognized by prior nominees as so deeply rooted that the correctness of their judgement is beyond question.

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

Response: The Supreme Court in *Griswold* held that the Fourteenth Amendment protects the rights of individuals to use contraceptives. The Court held that a Connecticut law banning contraceptives violated a right to privacy. *Griswold* is binding precedent and I would faithfully follow it.

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

Response: The Supreme Court in *Lawrence* held that laws criminalizing same-sex intimacy violated the Fourteenth Amendment. *Lawrence* is binding precedent and I would faithfully follow it.

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

Response: The Supreme Court in *Obergefell* held that the Fourteenth Amendment required states 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 I would faithfully follow it.

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: This question calls for a response that could be interpreted as a comment or opinion on a topic of significant political debate. See Code of Conduct of U.S. Judges Canons 3(A)(6), 5. Thus, I believe it would be inappropriate to say anything beyond noting that President Biden was certified the winner of the 2020 election and served four years as President of the United States.

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

Response: Please see my response to Question 26 above.

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

Response: Please see my response to Question 26 above.

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

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

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

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

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

⁴ U.S. CONST. amend. XXII.

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

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

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

Response: Please see my response to Question 27.c. above.

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

Response: The 22nd Amendment prevents a person from being “elected to the office of the President” more than twice.

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.

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: I have not spoken to or corresponded with any of the individuals listed in Question 38.a-p. above.

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

Response: No.

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

Response: Yes.

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

a. Do you agree with the above statement?

Response: As a judicial nominee, I believe it would be inappropriate to comment or opine on statements from political figures or on topics of political controversy. *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: No.

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

Response: No.

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

Response: No.

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)?

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

Response: No. Personnel with the Department of Justice Office of Legal Policy provided general guidance on completing the Senate Judiciary Questionnaire. I made all decisions about the responses, including what cases to list.

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

Response: Please see my response to Question 42 above.

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

Response: Please see my response to Question 42 above.

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

Response: No.

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

Response: No.

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

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

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Anthony John Powell
Hearing on “Nominations”
Wednesday, April 22, 2026

1. From 2008 to 2011, you reported being a Kansas advisory board member of the Bill of Rights Institute. The State Policy Network lists the Bill of Rights Institute in its organizational directory as a partner. According to the State Policy Network’s website, its partners support the organization’s mission “to catalyze thriving, durable freedom movements in every state.”

a. Please describe how the Bill of Rights Institute partners with the State Policy Network.

Response: I am unaware of how the Bill of Rights Institute partners with the State Policy Network.

b. Please describe whether you have consulted, worked with, or partnered with any other State Policy Network partners and, if so, the nature and extent of that consultation, work, or partnership.

Response: To the best of my recollection, I have not consulted, worked with, or partnered with any other State Policy Network.