

**Senator Dick Durbin**  
**Ranking Member, Senate Judiciary Committee**  
**Written Questions for Michael C. Martin**  
**Nominee to be U.S. District Judge for the Eastern District of Michigan**  
**June 17, 2026**

1. The Trump Administration has engaged in a cruel mass deportation scheme across the country, including in my home state of Illinois. Under “Operation Metro Surge” in Minnesota, Department of Homeland Security agents used aggressive—and sometimes deadly—tactics. As a result of this Administration’s own doing, the U.S. Attorney’s Office and the federal courts in Minnesota have been deluged by hundreds of cases. I understand that you volunteered to work on cases for the U.S. Attorney’s Office in the District of Minnesota.

- a. **Why did you volunteer to help in Minnesota?**

Response: I volunteered to assist the United States Attorney’s Office for District of Minnesota because that office requested assistance.

- b. **What was the extent of your work in Minnesota?**

Response: As a current Criminal Division Chief, the United States Attorney’s Office for the District of Minnesota requested my assistance in interviewing potential candidates for Criminal Division Chief in that office. In addition, due to a large influx of cases involving assaults on law enforcement officers, I assisted the United States Attorney’s Office for the District of Minnesota by supervising career prosecutors who were conducting intake for cases involving assaults on law enforcement officers. My involvement lasted for a short period of time while the newly selected Criminal Chief for that office assumed his new duties.

- c. **How long did you volunteer in Minnesota?**

Response: Approximately eight days.

- d. **Did you force anyone else in your office to work in Minnesota?**

Response: No. I do not use “force” when supervising employees.

2. A press release issued by the U.S. Attorney’s Office for the Eastern District of Michigan listed you as a member of its team overseeing the District’s handling of complaints of election fraud and voting rights concerns during the 2020 election.

- a. **Was there any evidence of widespread or systemic voter fraud in Michigan in 2020?**

Response: The press release mentioned above states that Assistant United States Attorney Dawn Ison was appointed to serve as District Election Officer and that AUSA Ison was responsible for overseeing the handling of complaints of election fraud and voting rights concerns. As further stated in the press release, my role at the time was Chief of the office's National Security Unit. As such, my focus was on national security threats. I was not involved in handling any election fraud complaints or voting rights concerns.

**b. Was there any evidence of significant voter fraud with mail-in or absentee ballots during the 2020 election?**

Response: Please see my answer to Question 2.a.

**c. Based on your experience in 2020, did you find that mail-in voting was a safe and accurate way for voters to submit their ballots?**

Response: Please see my answer to Question 2.a.

President Trump has stated that "ELECTIONS CAN NEVER BE HONEST WITH MAIL IN BALLOTS/VOTING," despite having voted by mail himself. Michigan voters used mail-in ballots during the 2020 election.

**d. Do you consider the 2020 election in Michigan to have been "honest?"**

Response: As a judicial nominee, it would be inappropriate for me to opine on a political issue or a statement by any elected official or political figure. *See* Code of Conduct for United States Judges, Canon 5.

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

Response: As a matter of law, Joe Biden was the winner of the 2020 election.

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

Response: Michigan.

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

Response: I denounce any form of unlawful physical violence, including attacks on law enforcement officers.

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

Response: The United States Constitution gives the President the power to issue pardons. As a current Assistant United States Attorney and judicial nominee, I do not believe it would be appropriate for me to offer my personal opinion on this topic.

7. 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: When a party disagrees with a court order, the party can ask the court to reconsider its order or appeal the order to a higher court.

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

Response: Generally, all court orders must be followed. I am aware that there may be rare and limited circumstances where a party may need to not follow a court order so that it can perfect its appellate rights. *See Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). However, I have not encountered these exceptions in my 20 years practicing law as a prosecutor and I have followed all 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: The judicial branch of the federal government.

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

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

Response: The United States Supreme Court addressed non-party injunctions in *Trump v. CASA, Inc.*, 606 U.S. 831, 847 (2025), and held that non-party injunctions fall “outside the bounds of a federal court’s equitable authority under the Judiciary Act.”

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

Response: Please see my answer to Question 8.a.

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

Response: Please see my answer to Question 8.a.

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

Response: No.

- 9. 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.

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

Response: The Twenty-Second Amendment to the United States Constitution states, in part, “No person shall be elected to the office of the President more than twice . . . .”

- 11. 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...”<sup>1</sup>**

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

Response: As a judicial nominee, it would be inappropriate for me to opine on a political issue or a statement by any elected official or political figure. *See* Code of Conduct for United States Judges, Canon 5.

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

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

- 12. 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**

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

“judicial coup”<sup>2</sup> and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”<sup>3</sup>

- 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 11.a.

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

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

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

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

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

Response: A lower court must always follow Supreme Court precedent.

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

Response: I believe that a circuit court can only overturn circuit precedent when sitting en banc and would follow the factors set forth by the Supreme Court, such as the nature of the error in the prior precedent, the quality of the reasoning in prior precedent, the workability of the rules that resulted from the prior precedent, the disruptive effect of the prior precedent, and reliance interests. *See Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 268 (2022). As a district court judge, I would faithfully follow all binding Sixth Circuit precedent.

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

Response: Please see my answer to Question 14.

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

- a. *Brown v. Board of Education***  
**b. *Plyler v. Doe***

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

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

- c. *Loving v. Virginia*
- d. *Griswold v. Connecticut*
- e. *Trump v. United States*
- f. *Dobbs v. Jackson Women’s Health Organization*
- g. *New York State Rifle & Pistol Association, Inc. v. Bruen*
- h. *Obergefell v. Hodges*
- i. *Bostock v. Clayton County*
- j. *Masterpiece Cakeshop v. Colorado*
- k. *303 Creative LLC v. Elenis*
- l. *United States v. Rahimi*
- m. *Loper Bright Enterprises v. Raimondo*

Response: As a general matter, I believe that it is inappropriate for me to offer my opinion about whether a Supreme Court case was correctly decided. However, as judicial nominees before me have observed, *Brown v. Board of Education* and *Loving v. Virginia* stand as exceptions to this general rule given the significance of those decisions, the general consensus that they were correctly decided, and the fact that they are unlikely to be challenged in the future. Therefore, *Brown v. Board of Education* and *Loving v. Virginia* were correctly decided.

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

Response: With respect to constitutional interpretation, I believe that a judge should first rely on any controlling precedent from a higher court that addresses the constitutional provision at issue. If there is no controlling precedent, a judge should then give the words in the Constitution the meaning those words had at the time the constitutional provision was ratified.

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

Response: Please see my answer to Question 17.

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

Response: In *Obergefell v. Hodges*, 576 U.S. 644, 672 (2015), the Supreme Court held that the Due Process and Equal Protection Clause of the Fourteenth Amendment protected the “right of same-sex couples to marry.”

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

Response: In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court held that there is a constitutional right to marry a person of a different race.

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

Response: The Equal Protection Clause of the Fourteenth Amendment prohibits discrimination by the States based on race, color, national origin and other characteristics. The Due Process Clause of the Fourteenth Amendment requires States to provide individuals with certain procedural protections and prohibits States from infringing on certain individual rights.

**22. 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 text of the Fourteenth Amendment states that the Equal Protection Clause and Due Process Clause apply to “any person.”

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

Response: Please see my answer to Question 17.

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

Response: Please see my answer to Question 17.

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

Response: The First Amendment protects several different types of rights of individuals, churches and religious groups, organizations, and corporations to varying degrees based on the facts and circumstances of the case.

**26. 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: I would primarily examine whether the law regulates speech because of the message in the speech itself, or whether the law regulates speech regardless of the message, such as a time, place or manner restriction on the speech.

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

Response: In *Counterman v. Colorado*, 600 U.S. 66, 79 (2023), the Supreme Court held that true threats of violence fall outside of First Amendment protection. However, to constitute a true threat, the speaker of the threat must have acted with a reckless state of

mind, meaning that the speaker “is aware that others could regard his statements as threatening violence and delivers them anyway.”

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

Response: The Due Process Clause in the Fifth Amendment and in the Fourteenth Amendment applies to “any person” within the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

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

Response: I believe this issue is currently being litigated. As a judicial nominee, it would be inappropriate to opine on issues subject to pending litigation. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

**30. 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: This issue is currently pending before the United States Supreme Court. As a judicial nominee, it would be inappropriate to opine on issues subject to pending litigation. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

**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 answer to Question 30.a.

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

Response: I believe that people of all demographics and lawyers of all professional backgrounds should be eligible to serve as federal judges.

**32. 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: I believe the role of a federal judge is to follow the text of any statutory law along with all relevant decisions of higher courts regarding that statute.

**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.

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

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

Response: No.

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

Response: No.

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

Response: No.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

**39.** 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: No.

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

Response: No.

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

Response: No.

**40.** 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 not aware of anyone making any type of donation in support of my nomination. I am also not familiar with the Concord Fund or 85 Fund.

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

Response: I would be surprised to learn of any such donation and would first want to gather as much information I could about it before making any further decisions.

- 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 answer to Question 40.d.

**Nomination of Michael Martin**  
**Nominee to the U.S. District Court for the Eastern District of Michigan**  
**Questions for the Record**  
**Submitted June 17, 2026**

**QUESTIONS FROM SENATOR WHITEHOUSE**

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

1. Have any of your subordinates, while you were their supervisor, ever been disciplined for fraud on the court?

Response: No.

- a. Would you consider fraud on the court as grounds for dismissal of a subordinate?

Response: The nature and scope of any discipline would depend on the facts and circumstances of the case.

Senate Judiciary Committee  
Hearing on  
Nominations  
June 10, 2026  
Questions for the Record  
Senator Amy Klobuchar

**Michael Martin, to be U.S. District Judge for the Eastern District of Michigan**

According to public reporting, the Justice Department temporarily detailed prosecutors from other states, including Michigan, to the U.S. Attorney's Office in Minnesota. You currently serve as the Chief of the Criminal Division in the U.S. Attorney's Office for the Eastern District of Michigan.

- What role, if any, did you play with respect to the detailing of these Assistant U.S. Attorneys?

Response: I did not play a role in selecting other Assistant United States Attorneys to assist the United States Attorney's Office for the District of Minnesota.

**Nomination of Michael Martin  
to the United States District Court for the Eastern District of Michigan  
Questions for the Record  
Submitted June 17, 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 personally drafted an answer for each question. During the drafting process, I consulted the United States Constitution, Supreme Court case law, the Code of Conduct of United States Judges, my Questionnaire for Judicial Nominees, and the written questions and answers from prior judicial nominees. I received limited comments from the Office of Legal Policy within the United States Department of Justice. I then finalized my answers and approved them to be filed with this 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: I believe that if a nominee believes a prior nominee's answer is correct and accurate, then a verbatim answer is appropriate.

- 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: No, with the exception of “Yes” or “No” answers.

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: The two federal judges for whom I clerked: the Honorable Hugh H. Bownes, United States Court of Appeals for the First Circuit, and the Honorable Edward F. Harrington, United States District Court for the District of Massachusetts.

6. How would you describe your judicial philosophy?

Response: I believe judges should strive to resolve disputes justly and expeditiously under established principles of law.

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 stated that, in determining whether the Due Process Clause of the Fourteenth Amendment protects a particular right, courts should ask “whether the right is deeply rooted in our history and tradition and whether it is essential to our Nation’s scheme of ordered liberty.” *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 237 (2022).

- 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. The Supreme Court has examined the origins of the constitutional provision at issue, the debates in Congress about the adoption of the provision, the state constitutions in effect when the provision was ratified, federal laws enacted during the same period, and other relevant historical evidence. *See Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 238 (2022).

- 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 to both questions.

- 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 historical document that would assist me.

- 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: This question is difficult to answer in the abstract, as the analytic process would depend on the law or duty at issue, the nature, scope and duration of the violation, potential separation of powers concerns, among other issues.

- 9. The 22<sup>nd</sup> Amendment states: “No person shall be elected to the office of the President more than twice.”

- a. Was President Trump elected to the office of the President twice?

Response: Yes.

- b. If President Trump were elected again in 2028, how many times in total would he have been elected to the office of the President?

Response: Three times.

- c. Is President Trump eligible to be elected President for a third term in 2028?

Response: No.

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: It means that the candidate received a majority of the electoral college votes and therefore became the President.

11. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you who won the 2020 election. You replied that “as a matter of law, Joe Biden was the winner of the 2020 election.”

- a. What does it mean to win an election “as a matter of law”?

Response: It means pursuant to the procedures set forth in the Constitution.

- b. What is the difference between winning an election and winning an election “as a matter of law”?

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

- c. Senator Blumenthal then asked you who got more votes in the 2020 election. You replied, “my focus, as a judicial nominee, is on the law, and as a matter of law, Joe Biden won the 2020 election.” Senator Blumenthal then asked you who got more electoral college votes, and you replied, “Joe Biden received more electoral college votes.” Why did you answer who got more electoral college votes but not who won the popular vote?

Response: As a matter of law, a person can only be elected President pursuant to the procedures set forth in the Constitution, including the Twelfth Amendment. Those procedures establish that the President of the Senate shall open and count the electoral college votes sent by the States to the Congress, and that the “person having the greatest number of votes for President, shall be the President.” The President of the Senate does not count the popular vote.

- d. In advance of the hearing, did you prepare a potential answer or set of answers to question(s) you might receive related to who won the 2020 election? If so, what information or sources did you use to develop your answer(s)? If not, please explain how you, without any outside input, made the decision to reply with who won “as a matter of law” when asked about who won the 2020 election.

Response: I prepared an answer to the question mentioned. I examined the United States Constitution, particularly Article II and the Twelfth Amendment. I also considered the Code of Conduct for United States Judges and the answers from

prior nominees, including an answer to a similar question by Justice Jackson during her nomination and confirmation proceedings.

- e. Prior to the hearing, did anyone instruct, suggest, imply, or otherwise represent that you should avoid directly stating, without qualification, who won the 2020 election?

Response: No.

- f. Do you believe that you would face any adverse professional consequences if you directly stated, during your hearing or otherwise on the record, that President Trump lost the 2020 election, or that President Biden won the 2020 election? Please explain.

Response: No.

12. 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, it would be inappropriate for me to opine on a political issue or a statement by any elected official or political figure. *See* Code of Conduct for United States 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 answer to Question 12.a.

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

Response: Yes.

- 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 answer to Question 12.a.

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

Response: Please see my answer to Question 12.a.

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

Response: Please see my answer to Question 12.a.

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

Response: Please see my answer to Question 12.a.

- 13. 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: I would recuse myself from any criminal case that I worked on or supervised as an Assistant United States Attorney. Beyond that, I would consider all applicable statutes, cases, judicial code of ethics, rules and regulations. I would also consult with other judges and ethics officials within the Administrative Office of the United States Courts.

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

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

Response: Yes.

- 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.

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

Response: This question is difficult to answer in the abstract, as the analytic process would depend on the action taken, the nature, scope and severity of the harm, potential separation of powers concerns, among other issues.

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

Response: Yes.

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

Response: In *Saenz v. Roe*, 526 U.S. 489, 500 (1999), the Supreme Court stated that the Constitution “protects the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State.” These rights are “not absolute” and states may treat non-residents differently if the state has a “substantial reason” for doing so. *Id.* at 502. Therefore, in analyzing this issue, I would examine the type of interstate travel right at issue and the “substantial reason” offered by the state for infringing on that right.

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

Response: The Supreme Court has found that the Due Process and Equal Protection Clauses protect privacy rights in various contexts.

- 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: In *Griswold v. Connecticut*, 381 U.S. 479, 485-86 (1965), the Supreme Court held that “several fundamental constitutional guarantees” protected the right to use contraceptives and the “privacy surrounding the marriage relationship.”

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

Response: The public meaning of a constitutional provision at the time of the provision’s ratification constrains its application at a later time.

- 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 examine drafts of the constitutional provision at issue, the debates in Congress or the States about the adoption of the provision, federal laws enacted during the same period, and legal dictionaries and treatises from the time period.

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

Response: Certain portions of the United States Constitution apply to non-citizens present in the United States regardless of legal status, such as the Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

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

Response: I would first hold a hearing or order briefing to determine why the order was being ignored. I would also seek to determine the nature, scope and duration of the violation. If I was still not able to obtain compliance with an order, I would hold a hearing to determine whether to initiate contempt proceedings.

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

Response: I would consider the nature, scope, and timing of the conduct. I would also consider whether a party had a good faith basis for engaging in the conduct.

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

Response: I would hold a hearing and remind counsel that, pursuant to Eastern District of Michigan Local Rule 83.20, the Michigan Rules of Professional Conduct apply to counsel's conduct, and that those rules specifically preclude frivolous motion practice. I would further remind counsel that violations of these rules can result in various forms of discipline, as described in Local Rule 83.22.

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

Response: There may be instances where the practical consequences of a ruling should play a role in a decision. For example, when sentencing a criminal defendant, Title 18, United State Code, Section 3553(a)(2)(D), specifically instructs judges to consider "the need for the sentence imposed . . . to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner."

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

Response: A judge's decisions should be based on the law, not the judge's personal views or opinions.

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

Response: Please see my answer to Question 23.

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

Response: *United States v. Abdulmutallab*, a case involving an Al Qaeda terrorist who attempted to blow up a plane over Detroit on Christmas Day, 2009.

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

Response: I would consider ordering oral argument in any case where I believed it would be beneficial to the decision-making process. I would welcome any attorney, including junior lawyers, to participate in oral argument.

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

Response: I would volunteer to participate in trainings for new lawyers that are offered by the Michigan Bar, the Federal Bar, or law schools.

27. Discuss your proposed hiring process for law clerks.

Response: I would consider hiring law clerks with a track record of academic achievement, good writing skills, previous work or life experience, and demonstrated integrity.

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

Response: I believe law clerks should not be subjected to any form of unlawful discrimination. With respect to Title VII, I believe it would be inappropriate for me to opine or comment on whether it should be applicable to law clerks.

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

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

Response: My first step would be to model respectful treatment of others to set an example for all staff members. I would also require staff members to receive training on appropriate workplace conduct.

- 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: I would maintain open lines of communication with all staff members so that they could bring any concerns to my attention. I would also follow established court procedures for staff to make reports to other court officials.

- 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 report the inappropriate conduct to the Chief Judge of the District Court, the Chief Judge of the Sixth Circuit, and/or the Administrative Office of the United States Courts.

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

Response: As part of my work as an Assistant United States Attorney, I had an opportunity to see pictures and videos from the events at the U.S. Capitol on January 6, 2021. In those pictures and videos, I saw attacks on law enforcement officers and damage to the Capitol building.

- 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.

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

Response: The United States Constitution gives the President the power to issue pardons. As a current Assistant United States Attorney and judicial nominee, I do not believe it would be appropriate for me to offer my personal opinion on this topic.

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

Response: Please see my answer to Question 30.

32. You note in your Senate Judiciary Questionnaire that you have been admitted to the Massachusetts bar since 2002.

- a. You are nominated to serve in the Eastern District of Michigan. Have you applied for admission to the Michigan bar? If not, why not?

Response: I have not applied to the Michigan bar. As an Assistant United States Attorney, I am permitted to practice in federal court in any state.

- b. If confirmed, would you seek to join the Michigan bar?

Response: Yes, I would consider joining the Michigan bar.

33. In your Questionnaire, you note that just 10% of your practice has involved civil proceedings.

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

Response: Many of the skills I have developed over my 20 years of experience as a federal prosecutor are applicable to civil cases, such as conducting legal research, legal writing, and communicating orally in the courtroom. Moreover, I am very familiar with areas of law that are also applicable to civil cases, such as the Federal Rules of Evidence and trial practice and procedure.

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

Response: I would seek out trainings on civil proceedings offered by the Administrative Office of the United States Courts. I would examine statutes, rules and case law on civil proceedings. I would seek out treatises, primers, and other publications on civil proceedings. I would also consult with other judges on topics related to civil proceedings.

**Questions for the Record for Michael Martin**  
**Submitted by Senator Richard Blumenthal**  
**June 17, 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: I would base any recusal decision on all applicable statutes, cases, judicial code of ethics, rules and regulations. I would also consult with other judges and ethics officials within the Administrative Office of the United States Courts.

- 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 answer to Question 1.

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

Response: Please see my answer to Question 1.

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

Response: Please see my answer to Question 1.

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

Response: I would avoid all inappropriate *ex parte* communications.

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

Response: Please see my answer to Question 2.

- 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 answer to Question 2.

- 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: Yes.

- 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: I will follow all laws, rules and regulations regarding judicial ethics.

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

Response: I will follow all laws, rules and regulations regarding judicial ethics.

- 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: I will follow all laws, rules and regulations regarding judicial ethics.

- 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: Yes.

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

Response: Judicial power is limited by the Constitution, statutory law and case law. Subject to those limitations, I believe judges should be able to hold parties in contempt, if necessary and appropriate under the law.

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

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

Response: Yes.

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

Response: Yes.

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

Response: Judges can conduct show cause hearings to determine whether an order needs to be enforced, and if so, the nature and extent of that enforcement. Judges can also modify their orders, or issue new orders, if necessary. Judges can also conduct civil and criminal contempt proceedings to enforce orders.

- 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: Generally, all court orders must be followed. I am aware that there may be rare and limited circumstances where a party may need to not follow a court order so that it can perfect its appellate rights. *See Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). However, I have not encountered these exceptions in my 20 years practicing law as a prosecutor and I have followed all court orders.

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

Response: Please see my answer to Question 5.b.

- d. What would make a court order unlawful?

Response: A court order may be unlawful if it violates the United States Constitution, federal statutory law, decisions from a higher federal court, or exceeds the court's jurisdiction.

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

Response: A party that believes a court order is unlawful should seek reconsideration from the issuing court or seek an appeal to a higher court.

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

Response: Please see my answer to Question 5.b.

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

Response: No.

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

Response: No.

**Senator Mazie K. Hirono  
Senate Judiciary Committee**

**Nomination Hearing  
Questions for the Record for Michael Martin**

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 you worked in the U.S. Attorney's Office, two Assistant U.S. Attorneys were fired the day before a DOJ weaponization report was released alleging bias in their work. At your nomination hearing, you stated that you "had no role whatsoever in the decision to terminate them."

**a. Did you have any role in implementing the decision to fire these attorneys?**

Response: No.

**b. When did you learn about these firings?**

Response: The day of the firings.

**c. How did you learn about these firings?**

Response: I was informed by the United States Attorney for the Eastern District of Michigan.

**d. From whom did you learn about these firings?**

Response: Please see my answer to Question 2.c.

**e. Once you learned about these firings, did you have any communication with any individual at the U.S. Attorney's Office or at the Department of Justice in Washington regarding the Assistant U.S. Attorneys who were fired or the circumstances of their firing? If so, explain.**

Response: In the days after the firing, I spoke to other Assistant United States Attorneys about the firings.

- f. Did you take any actions to prevent the firings? If so, explain.**

Response: No, I learned about the firings after it had occurred.

- g. Have you interacted with these Assistant U.S. Attorneys in any role you held at the U.S. Attorney's Office? If so, explain.**

Response: Yes, I interacted with both individuals during their employment at the United States Attorney's Office.

- h. In general, should prosecutors be fired just for working on the cases to which they are assigned?**

Response: I do not believe prosecutors should be fired simply for working on cases to which they are assigned.

3. Looking back at the conclusion of the 2020 presidential election:

- a. Did Joe Biden receive the most votes in the 2020 Presidential Election?**

Response: As a matter of law, Joe Biden was the winner of the 2020 election.

- b. Did Joe Biden receive more votes than Donald Trump in the 2020 Presidential Election?**

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

- c. Does the candidate who receives more votes in a presidential election win the popular vote?**

Response: According to the Twelfth Amendment to the United States Constitution, the person with the greatest number of electoral college votes shall become President.

- d. Did Joe Biden win the popular vote in the 2020 presidential election?**

Response: As a judicial nominee, my focus is on the law, and as a matter of law, Joe Biden was the winner of the 2020 election.

- e. To your knowledge, was the 2020 election "stolen," were votes manipulated to influence the outcome of the election, or did any other form of tampering occur in the 2020 election?**

Response: As a judicial nominee, I do not believe it is appropriate for me to comment on or offer opinions on whether there are or were irregularities in any election, including the 2020 election.

**Nomination of Michael Martin**  
**United States District Court for the Eastern District of Michigan**  
**Questions for the Record**  
**Submitted June 17, 2026**

**QUESTIONS FROM SENATOR BOOKER**

1. You were serving as an Assistant U.S. Attorney in the Eastern District of Michigan in 2023 when two of your colleagues brought charges against a group of pro-life protestors under the FACE Act in *United States v. Zastrow*.

President Trump pardoned the group of protestors that had been charged and the two attorneys who worked on that case were removed from their positions. In April 2026, the Justice Department Weaponization Working Group published a report that discussed the case, describing it as “weaponization.”<sup>1</sup>

- a. How did you learn that your colleagues were going to be fired?

Response: The United States Attorney for the Eastern District of Michigan informed me the two employees were terminated the day they were fired.

- i. Who told you about the decision to remove these attorneys?

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

- ii. Were you involved in the decision?

Response: No.

- iii. Was Todd Blanche involved in the decision? If yes, describe how.

Response: I do not know.

- iv. Have you ever spoken to Todd Blanche about the decision? If so, describe the substance of that discussion.

Response: No.

- b. Why were the attorneys removed?

Response: I do not know.

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<sup>1</sup> See Press Release, *Justice Department Reveals the Biden Administration’s Weaponization of Federal Law Against Pro-Life Americans*, OFFICE OF PUBLIC AFFAIRS, U.S. DEP’T OF JUSTICE (Apr. 14, 2026), <https://www.justice.gov/opa/pr/justice-department-reveals-biden-administrations-weaponization-federal-law-against-pro-life>.

2. Have you ever discussed with President Trump, or any person associated with him or his Administration, pursuing a nomination to the U.S. Court of Appeals or the U.S. Supreme Court? Describe the nature of the discussion, the name of the individual(s) involved, and the date of the discussion.

Response: No.

3. Explain the factors you would consider, if you are confirmed, to determine whether to recuse yourself in matters involving former clients, recent legal work and advocacy, and parties with whom you have had substantial financial relationships.

Response: I would recuse myself from any criminal case that I worked on or supervised as an Assistant United States Attorney. Beyond that, I would consider all applicable statutes, cases, judicial code of ethics, rules and regulations. I would also consult with other judges and ethics officials within the Administrative Office of the United States Courts.

4. If you are confirmed, how would you handle a request from President Trump, or anyone affiliated with him acting on his behalf, to decide a matter in a way that would benefit the President personally, financially, or politically?

Response: Aside from the parties before the court, I do not believe it would be appropriate for anyone to make a request to a judge asking for a particular ruling in a case. If such a situation arose, I would refuse any such request and report the matter to the Chief Judge of the District Court.

- a. What ethical obligations govern your response to such a request?

Response: The Code of Conduct for United States Judges would govern my response.

- b. Do you believe existing recusal and conduct rules are sufficient to address this scenario?

Response: Yes.

5. President Trump has repeatedly responded to adverse judicial rulings by threatening sitting judges, including calling for their impeachment and publicly disparaging them by name.

- a. Do you believe those statements are consistent with the rule of law?

Response: As a judicial nominee, I believe it would be inappropriate to offer an opinion on a political issue or a statement by any elected official or political figure. *See Code of Conduct for United States Judges, Canon 5.*

- b. If you were to rule against the Administration and face similar attacks, would you take any action in response?

Response: As a judicial nominee, I believe it would be inappropriate for me to comment on how I might rule on a case or decide a matter that might come before me.

- c. Do you believe a President's public attacks on the judiciary constitute an attempt to interfere with the independence of the federal courts?

Response: As a judicial nominee, I believe it would be inappropriate to offer an opinion on a political issue or a statement by any elected official or political figure. *See Code of Conduct for United States Judges, Canon 5.*

- d. Are you aware of any ethical obligation on the part of judges to speak out when the independence of the judiciary is threatened by the political branches?

Response: No.

6. 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: As a judicial nominee, I do not believe it would be appropriate for me to comment on the processes adopted by the Senate Judiciary Committee.

7. 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: Please see my answer to Question 6.

8. How would you characterize your judicial philosophy?

Response: I believe judges should strive to resolve disputes justly and expeditiously under established principles of law.

9. What do you understand originalism to mean?

Response: Originalism means to interpret the United States Constitution according to the public meaning of the text at the time the constitutional provision was ratified.

10. Do you consider yourself an originalist?

Response: Yes.

11. What do you understand textualism to mean?

Response: Textualism means to interpret a statute according to the public meaning of the text at the time the statute was enacted.

12. Do you consider yourself a textualist?

Response: Yes

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

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

Response: I would consult or cite to legislative history if doing so was helpful in analyzing or interpreting a federal statute.

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

Response: Generally speaking, I believe that discerning congressional intent can be difficult because Congress is made up of hundreds of individual members. Therefore, I believe that the best way to discern legislative intent is by looking at the text of the statute that the legislature actually enacted.

14. 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.<sup>2</sup>

a. What do you attribute this to?

Response: The academic study mentioned in the question was published 12 years ago and was based on data from fiscal years 2006 and 2008. From my own experience, I know that the law regarding mandatory minimum sentencing has changed during the past 20 years. Beyond that, I believe this question can involve complex social, economic and political issues. As a judicial nominee, I do not believe it would be appropriate for me to comment on this issue.

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

15. 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.<sup>3</sup>

a. What do you attribute this to?

Response: According to the United States Sentencing Commission report mentioned in the question: “The sentencing differences in the data the Commission examined largely can be attributed to the initial decision of whether the sentence should include incarceration at all rather than to the length of the prison term once a decision to impose on has been made.” Beyond that, I believe this question can involve complex social, economic and political issues. As a judicial nominee, I do not believe it would be appropriate for me to comment on this issue.

16. 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: Federal judges can consider any claim of prosecutorial misconduct, including misconduct based on a defendant’s race or other protected characteristic.

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

Response: I believe that people of all demographics should be eligible to serve in the judicial branch because doing so would help identify the most talented and skilled workforce.

18. 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, attach a copy or link to the materials and 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

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<sup>3</sup> 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](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf).

- 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: I have not published written material or made public comments on these topics beyond what is listed in my Questionnaire for Judicial Nominees.

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

Response: Generally, all court orders must be followed. I am aware that there may be rare and limited circumstances where a party may need to not follow a court order so that it can perfect its appellate rights. *See Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). However, I have not encountered these exceptions in my 20 years practicing law as a prosecutor and I have followed all court orders.

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

Response: I would first hold a hearing or order briefing to determine why the order was being ignored. I would also seek to determine the nature, scope and duration of the violation. If I was still not able to obtain compliance with an order, I would hold a hearing to determine whether to initiate contempt proceedings.

- 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? Provide each one and the justification.

Response: Please see my answer to Question 19.

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

Response: The United States Supreme Court has stated that the President has “broad discretion” to enforce the Nation’s laws. However, that discretion is “subject to constitutional constraints,” such as the Due Process and Equal Protection Clauses. *See United States v. Armstrong*, 517 U.S. 456, 464 (1996).

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

Response: I believe the answer to this question depends on the type of appropriation at issue. As the Supreme Court has explained, it is “a fundamental principle of appropriations law” that where “Congress merely appropriates lump-sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions” on the spending of those funds. *Lincoln v. Vigil*, 508 U.S. 182, 192 (1993).

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

Response: I believe the President’s power regarding withholding funds would be subject to the powers and limitations contained in the Constitution.

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

Response: Yes.

24. Does the U.S. Constitution apply to non-citizens present in the United States?

Response: The Supreme Court has explained that certain portions of the United States Constitution apply to non-citizens present in the United States, such as the Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

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

Response: Yes, provided Congress supplies the agency with an “intelligible principle” to guide the agency in its activities, as set forth in *Fed. Commc’ns Comm’n v. Consumers’ Rsch.*, 606 U.S. 656, 673 (2025).

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

Response: As a general matter, I believe that it is inappropriate for me to offer my opinion about whether a Supreme Court case was correctly decided. However, as judicial nominees before me have observed, *Brown v. Board of Education* stands as an exception to this general rule given the significance of the decision, the general consensus that it was correctly decided, and the fact that it is unlikely to be challenged in the future. Therefore, *Brown v. Board of Education* was correctly decided.

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

Response: Yes. In *Griswold*, two individuals were charged with a state crime for providing “information, instruction, and medical advice to *married persons* as to the means of preventing conception.” 381 U.S. at 480 (emphasis in original). The Supreme Court held that

“several fundamental constitutional guarantees” protected the “privacy surrounding the marriage relationship.” *Id.* at 485-86.

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

Response: Yes. In *Lawrence*, two men were convicted of a state crime for engaging “in a sexual act” together. 539 U.S. at 563. The Supreme Court held that the Due Process Clause protects “two adults who, with full and mutual consent from each other, engaged in sexual practices common to a homosexual lifestyle.” *Id.* at 578.

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

Response: Yes. In *Obergefell*, several same-sex couples in various states brought a federal suit challenging state law definitions of marriage. The Supreme Court held that the Due Process and Equal Protection Clause of the Fourteenth Amendment protected the “right of same-sex couples to marry.” 576 U.S. at 672.

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. A response that references only certification will be treated as a refusal to answer.

Response: As a matter of law, Joe Biden was the winner of the 2020 election.

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

Response: Joe Biden received a majority of the electoral college votes in the 2020 election.

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

Response: As a judicial nominee, my focus is on the law, and I believe it would be inappropriate for me to opine on political, policy, or legal debates regarding the integrity of any election, including the 2020 presidential election. *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5.

30. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”<sup>4</sup>

a. Do you acknowledge that this is the law of the land?

Response: Yes.

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<sup>4</sup> U.S. CONST. amend. XXII.

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

Response: Yes.

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

Response: President Trump received a majority of the electoral college votes in the 2016 election.

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

Response: Yes.

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

Response: President Trump received a majority of the electoral college votes in the 2024 election.

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

Response: The Twenty Second Amendment prevents President Trump from being elected to the office of the President more than twice.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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: Yes. I spoke to Pam Bondi one time. This occurred in a group setting in late January, 2026, when she visited the United States Attorney's Office. She thanked the AUSAs for their hard work and service.

37. 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: Yes. I spoke to Todd Blanche one time. This occurred in late November, 2025, when he visited the United States Attorney's Office and spoke to the entire office, thanking the employees for their hard work and service. To the best of my recollection, I spoke briefly with him about our mutual enjoyment of the Netflix television series, "Quarterback."

38. 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.

39. 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.

40. 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.

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

- a. Enrique Tarrío
- b. Stewart Rhodes
- c. Kelly Meggs
- d. Kenneth Harrelson
- e. Thomas Caldwell

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

Response: No.

42. 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.

43. 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.

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

Response: As a judicial nominee, it would be inappropriate for me to opine on a political issue or a statement by any elected official or political figure. *See* Code of Conduct for United States Judges, Canon 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.

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

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

Response: No.

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

Response: No.

46. 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 began by reviewing all of the written questions. I personally drafted an answer for each question. During the drafting process, I consulted the United States Constitution, Supreme Court case law, the Code of Conduct of United States Judges, my Questionnaire for Judicial Nominees, and the written questions and answers from prior judicial nominees. I received limited comments from the Office of Legal Policy within the United States Department of Justice. I then finalized my answers and approved them to be filed with this Committee.

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

**June 10, 2026**

**Questions for Michael Craig Martin (U.S. District Court for the Eastern District of Michigan):**

1. The following are yes or no questions related to the 2020 election:
  - a. According to Wisconsin's certified 2020 General Election results, did Joe Biden receive more than 19,000 votes more than Donald Trump?  
  
Response: I have no personal knowledge.
  - b. According to Pennsylvania's certified 2020 General Election results, did Joe Biden receive more than 80,000 votes more than Donald Trump?  
  
Response: Please see my answer to Question 1.a.
  - c. According to Georgia's certified 2020 General Election results, did Joe Biden receive more than 11,000 votes more than Donald Trump?  
  
Response: Please see my answer to Question 1.a.
  - d. According to Arizona's certified 2020 General Election results, did Joe Biden receive more than 40,000 votes more than Donald Trump?  
  
Response: Please see my answer to Question 1.a.
  - e. According to Nevada's certified 2020 General Election results, did Joe Biden receive more than 20,000 votes more than Donald Trump?  
  
Response: Please see my answer to Question 1.a.
  - f. According to Michigan's certified 2020 General Election results, did Joe Biden receive more than 154,000 votes more than Donald Trump?  
  
Response: Please see my answer to Question 1.a.
  - g. Are you aware of any evidence that Joe Biden did not win more votes than Donald Trump in each of the states listed above? If so, please explain.  
  
Response: Please see my answer to Question 1.a.

2. Some judicial nominees have stated that Joe Biden “legally” won the 2020 election or won the election “as a matter of law.” Setting aside any legal characterization: as a matter of fact, did Joe Biden win the 2020 presidential election?

Response: As a judicial nominee, my focus is on the law, and as a matter of law, Joe Biden was the winner of the 2020 election.

3. Do you have any reason to believe that the outcome of any state’s presidential vote was impacted by irregularities or fraud? If so, please explain.

Response: As a judicial nominee, I do not believe it is appropriate for me to comment on or offer my opinion on potential irregularities in any election, including the 2020 election.

4. On January 7, 2021, a joint session of Congress certified 306 electoral votes for Joseph Biden and 232 electoral votes for Donald Trump. Joe Biden received more votes than Donald Trump across 25 states, DC, and NE-02 in the 2020 election.

- a. Do you have any reason to believe that Congress was wrong to certify each state’s electoral votes?

Response: I believe the electoral college votes were counted according to the procedures set forth in the Constitution.

5. More than 60 federal and state courts, including courts presided over by judges appointed by Republican presidents, dismissed legal challenges to the 2020 presidential election results for lack of evidence, lack of standing, or lack of merit.

- a. Do you have any reason to believe that any of those courts reached the wrong conclusion?

Response: As a judicial nominee, I do not believe it would be appropriate for me to comment on or offer my opinion on the rulings of other courts or other cases.

- b. Do you have any reason to believe that any one of those judges -- many of whom were appointed by Republican presidents, including President Trump -- acted improperly or in bad faith in dismissing those challenges?

Response: Please see my answer to Question 5.a.

6. Have you ever, publicly or in an official capacity, questioned or disparaged: (i) the legitimacy of the 2020 presidential election results; (ii) Congress’s certification of those results; or (iii) any federal or state court ruling rejecting legal challenges to those results? If so, please explain.

Response: No.

7. Do you believe in a constitutional right to privacy? If so, please explain the constitutional basis for that right.

Response: The Supreme Court has found that the Due Process and Equal Protection Clauses protect privacy rights in various contexts.

- a. Do you believe that *Griswold v. Connecticut* was correctly decided?

Response: In *Griswold v. Connecticut*, 381 U.S. 479, 485-86 (1965), the Supreme Court held that “several fundamental constitutional guarantees” protected the right to use contraceptives and the “privacy surrounding the marriage relationship.” Generally speaking, I do not believe it would be appropriate for a judicial nominee to offer an opinion about whether a Supreme Court case was correctly decided.

8. At a recent speaking event at Catholic University, Justice Kavanaugh stated that he considers himself “in many ways, a Bork, Scalia, Rehnquist guy” when discussing his judicial role models. What judges or justices would you consider foundational to your judicial philosophy, and why?

Response: The two federal judges for whom I clerked: the Honorable Hugh H. Bownes, United States Court of Appeals for the First Circuit, and the Honorable Edward F. Harrington, United States District Court for the District of Massachusetts. Judge Bownes and Judge Harrington were excellent role models for the fair and expeditious administration of justice.

9. If confirmed, cases involving reproductive rights -- including access to abortion, contraception, and assisted reproductive technology -- may come before you. Do you believe that individuals have any constitutionally protected right to make reproductive healthcare decisions? Please explain.

Response: I do not believe it would be appropriate for a judicial nominee to comment on or offer an opinion on a matter that may come before the nominee if the nominee is confirmed as a judge.

10. Judicial clerkships serve several important professional roles. They are a meaningful opportunity for recent law graduates to learn from an experienced mentor, and they serve as an important -- and often necessary -- step toward the highest levels of our legal profession. Too often, students from diverse backgrounds are overlooked for these opportunities despite equivalent qualifications.

- a. Do you believe that diversity at all levels of the federal judiciary is important? Please explain your view.

Response: I believe that people of all demographics should be eligible to serve as federal judges because doing so would help identify the most talented and skilled judges possible.

- b. When selecting your law clerks, will you commit to considering qualified applicants from a broad range of backgrounds, including candidates from a variety of law schools, from varying socioeconomic circumstances, and of differing races, ethnicities, religions, gender identities, sexual orientations, and abilities?

Response: I would consider hiring law clerks from any background who had a track record of academic achievement, good writing skills, previous work or life experience, and demonstrated integrity.

- c. Will you make your clerkship hiring criteria and application process transparent and accessible to applicants who lack the networks or institutional connections that often drive clerkship hiring?

Response: Yes.

- d. If confirmed, how will you personally ensure diversity among your law clerk classes?

Response: Please see my answer to Question 10.b.

11. I want to give you an opportunity to discuss your views on the 22<sup>nd</sup> Amendment.

- a. What does the 22<sup>nd</sup> Amendment state?

Response: The Twenty-Second Amendment states:

#### Section 1

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

#### Section 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

- b. Under the text of that amendment, is there any basis on which an individual who has already been elected President twice could lawfully be elected to a third term?

Response: Under the Twenty-Second Amendment, a President can only be elected twice.

- c. Donald Trump was elected President in 2016 and again in 2024. How many times has Donald Trump been elected President?

Response: Twice.

- d. Are you aware of any provision of the Constitution, federal statute, or judicial precedent that would permit Donald Trump to be elected to a third term?

Response: No.

- e. If a case came before you challenging the eligibility of any individual to appear on a presidential ballot in violation of the 22nd Amendment and you concluded a candidate was ineligible to run for under that amendment, would you have any hesitation in ruling against them regardless of that individual's political standing or the political consequences of your decision?

Response: I believe judges should always follow the law, regardless of who the parties are before the court.

12. If confirmed, cases involving discrimination claims brought by LGBTQ+ individuals under Title VII or other federal civil rights statutes may come before you. Will you commit to treating these individuals with dignity by ensuring that your courtroom is a forum where all LGBTQ+ litigants, witnesses, and counsel are addressed respectfully -- including by use of their correct name and gender identity -- and where their claims receive the same full and fair consideration afforded to all parties?

Response: Canon 3 of the Code of Conduct for United States Judges states that judges "should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity," and "should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law." If confirmed, I will follow all of the Canons of the Code of Conduct for United States Judges.

13. Do you believe that individuals in immigration removal proceedings, including those who entered the United States without authorization, are entitled to the due process protections

guaranteed under the US Constitution? Please explain.

Response: Certain portions of the United States Constitution apply to non-citizens present in the United States regardless of legal status, such as the Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

14. If confirmed, will you commit to ensuring that every person who appears before you is treated with dignity and afforded the full protection of the Constitution and federal law regardless of their immigration status, national origin, or language?

Response: Yes.

15. What recourse do you believe is available to a federal judge whose orders are not followed?

Response: Judges can hold a hearing or order briefing to determine why the order was being ignored. Judges can seek to determine the nature, scope and duration of the violation. If a judge is still not able to obtain compliance with an order, the judge can hold a hearing to determine whether to initiate contempt proceedings.

16. Please identify any publicly accessible social media, blog, forum, or other online account that you have created, maintained, controlled, contributed to, or posted under, on any platform over the past 10 years, if any. Please include any non-private (or any previously non-private) accounts on Twitter/X, Facebook, Instagram, LinkedIn, YouTube, TikTok, Truth Social, Substack, Reddit, any personal blogs or websites, or any comparable platforms. For each account, please state:

- a. the platform or service;
- b. the username, handle, screen name, and any display name associated with the account;
- c. the approximate dates the account was active;
- d. whether the account was maintained in your own name, under a pseudonym, or anonymously; and
- e. the account's current status (active, deactivated, deleted, or set to private).

Response: I do not have any such account.

17. Since you were first under consideration for this nomination, have you deleted, deactivated, archived, restricted the visibility of, or removed content from any online account, or directed or requested that anyone do so on your behalf? If so, please identify the account and describe what was changed or removed and when.

Response: No.

18. In April 2026, the Department's Weaponization Working Group published a report attacking the prior Administration's enforcement of the FACE Act. The day before the report was issued, two Assistant U.S. Attorneys in your office, Frances Carlson and Sunita Doddamani, were terminated.

- a. Were you consulted about, or did you have any role in, the decision to terminate these two prosecutors? Please describe.

Response: No.

## Questions for the Record

**Michael Martin – Nominee to the U.S. District Court for the Eastern District of Michigan**  
Sen. Adam Schiff (D-CA)

1. How would you define public corruption as a matter of federal law?

Response: The general category of “public corruption” encompass a large number of potential criminal offenses, including theft of government property, bribery, extortion, wire fraud, false statements, and racketeering, to name a few.

- a. If one of your fellow Assistant United States Attorneys used their position to give or steer money to their friends, would you consider that public corruption?

Response: Whether such conduct constituted one of the crimes mentioned above would depend on the facts and circumstances of the particular case.

2. During the 2020 election, you volunteered with the Justice Department’s Election Day Program, through which you responded to calls from voters about potential election interference. Did you encounter widespread voter interference while participating in the Election Day program?

Response: During the 2020 election, Assistant United States Attorney Dawn Ison was appointed to serve as the United States Attorney’s Office’s District Election Officer. In that position, AUSA Ison was responsible for overseeing the handling of complaints of election fraud and voting rights concerns. My role at the time was Chief of the office’s National Security Unit. As such, my focus was on national security threats. I was not involved in responding to calls from voters.

- a. Based on your experience with the Election Day program, was the 2020 election administered fairly?

Response: Please see my answer to Question 2.

- b. Who won the 2020 election?

Response: As a matter of law, Joe Biden was the winner of the 2020 election.

3. During your nomination hearing, you stated that you played no role in the recent firing of two Assistant United States Attorneys, Frances Carlson and Sunita Doddamani. To your knowledge, who directed the firing of Frances Carlson and Sunita Doddamani?

Response: I do not know.

- a. When did you learn that these colleagues were being terminated?

Response: The day they were terminated.

- b. Did you take any actions to assist, delay, or oppose their terminations? If so, what actions did you take?

Response: No, I learned about the firings after they had occurred.

- c. What justification, if any, have you heard for firing Frances Carlson or Sunita Doddamani?

Response: I do not know the reason they were fired.

- 4. What is the legal standard for determining a “threat” under federal criminal law?

Response: In *Counterman v. Colorado*, 600 U.S. 66 (2023), the Supreme Court held that true threats of violence fall outside of First Amendment protection. However, to constitute a true threat, the speaker of the threat must have acted with a reckless state of mind, meaning that the speaker “is aware that others could regard his statements as threatening violence and delivers them anyway.”

- 5. As an Assistant United States Attorney, what are your obligations to comply with the Justice Manual?

Response: The “principles of federal prosecution provide federal prosecutors a statement of prosecutorial policies and practices. As such, they should promote the reasoned exercise of prosecutorial authority and contribute to the fair, evenhanded administration of the federal criminal laws.” See Justice Manual § 9-27.001.

- a. Has a supervising prosecutor ever instructed you to disregard the Justice Manual?

Response: No.

- b. Is it ever appropriate for a supervising federal prosecutor to instruct their subordinates to disregard the Justice Manual?

Response: Please see my answer to Question 5.

- c. Have you ever instructed a colleague or subordinate at the United States Attorney’s office to disregard the Justice Manual?

Response: No.

- 6. Have you received any training on potential misconduct by prosecutors in a grand jury?

Response: I have received training in grand jury practice.

- a. Did your training include a description of “vouching”?

Response: To the best of my recollection, yes.

- b. How would you define “vouching” to a grand jury?

Response: I believe vouching refers to an attorney attempting to bolster the credibility of a witness by providing a jury with the attorney’s personal opinions about the witness.

- c. Have you ever engaged in “vouching” to a grand jury?

Response: No.

- d. Have you ever had *ex parte* contact with a grand juror?

Response: All grand jury proceedings are *ex parte*, meaning the defendant is not a party to the grand jury proceedings.

7. What is legal authority for requiring that an indictment be presented to a grand jury in the federal criminal justice system?

Response: The Fifth Amendment to the United States Constitution.

- a. How many times can a prosecutor bring an indictment before a grand jury after the grand jury has refused to indict?

Response: I am not aware of any specific limitation.

- b. When is it appropriate to dismiss a grand juror?

Response: In my experience, it is appropriate to dismiss a grand juror if the juror is biased, is not following the law, is disruptive to the grand jury proceedings, or is unable to participate in grand jury proceedings because of medical issues, transportation problems, and the like.

- c. Have you ever dismissed or excluded a grand juror from deliberations on the grounds that they would not support an indictment?

Response: No.

- d. Is it ever appropriate for a federal prosecutor to communicate with a grand juror outside the jury room?

Response: Sometimes, yes.

- e. Have you ever communicated with, or instructed your subordinates to communicate with, a grand juror outside the jury room?

Response: Yes, in the Eastern District of Michigan, it is the longstanding practice of the Court to require an Assistant United States Attorney to escort the grand jury foreperson to magistrate court so that the foreperson can return indictments. The Assistant United States Attorney remains present when the foreperson returns the indictments to the magistrate judge. This contact occurs outside the grand jury room.

8. Is it ever appropriate for a federal prosecutor to disobey or otherwise fail to comply with a court order?

Response: Generally, all court orders must be followed. I am aware that there may be rare and limited circumstances where a party may need to not follow a court order so that it can perfect its appellate rights. *See Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009). However, I have not encountered these exceptions in my 20 years practicing law as a prosecutor and I have followed all court orders.

- a. If confirmed, how would you respond if a party before you disobeyed or otherwise failed to comply with your court order?

Response: I would first hold a hearing or order briefing to determine why the order was not being followed. I would also seek to determine the nature, scope and duration of the violation. If I was still not able to obtain compliance with an order, I would hold a hearing to determine whether to initiate contempt proceedings.