

**Senator Dick Durbin**  
**Ranking Member, Senate Judiciary Committee**  
**Written Questions for Kasdin Miller Mitchell**  
**Nominee to be U.S. District Judge for the Northern District of Texas**  
**June 17, 2026**

1. Your law firm has frequently represented the tech giant Meta, formerly known as Facebook. You have personally represented Meta on several occasions and defended the protections afforded to tech companies by Section 230 of the Communications Decency Act. Even among the Big Tech companies, Meta has a particularly troubling history of misleading users and endangering children. That reality was reflected in verdicts against Meta earlier this year in New Mexico and California.

- a. **Considering your history defending Meta and internet trade groups, why should we expect you to fairly uphold the law in cases involving Meta and other tech companies?**

Response: If confirmed, I would not advocate for any particular outcome, but would faithfully and neutrally apply the law. I understand the distinct roles of advocates and judges and would decide cases without regard to prior legal positions I have taken on behalf of former clients. I am very grateful to have received support from many attorneys of a variety of political and ideological leanings who spoke to my reputation for fairness, integrity, and professionalism.

In January 2024, in a hearing before the Senate Judiciary Committee, Meta CEO Mark Zuckerberg publicly apologized to the families who suffered as a result of Meta's activities.

- b. **Are you willing to acknowledge the harm caused to children and families as a result of Meta's practices?**

Response: As a judicial nominee, it would not be appropriate for me to comment on matters that are the subject of pending litigation and political debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

- c. **Can you acknowledge that children need to be protected more than Big Tech companies?**

Response: As a judicial nominee, it would not be appropriate for me to comment on matters that are the subject of pending litigation and political debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

2. You represented the New York State Rifle & Pistol Association in the 2022 Supreme Court case *New York State Rifle & Pistol Association v. Bruen*. You played a major role in that case, and the Court's decision led to gun safety laws across the country being struck down. The *Bruen* decision was a major win for the gun lobby and violent offenders. It

presents an enormous challenge for law enforcement, survivors of domestic violence, and public safety.

**a. What, in your view, would qualify as a reasonable restriction on Second Amendment rights?**

Response: The United States Supreme Court has held that the government may restrict Second Amendment rights “consistent with this Nation’s historical tradition of firearm regulation.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). For example, the Court has acknowledged that “arms carrying could be prohibited consistent with the Second Amendment” in sensitive places such as “legislative assemblies, polling places, and courthouses.” *Id.* And the Court also has recognized “longstanding prohibitions on the possession of firearms by felons and the mentally ill.” *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008). As a judicial nominee, it would not be appropriate for me to further comment on the scope of the Second Amendment, which is the subject of pending litigation and policy debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

**b. Is it constitutional for a law to prohibit people who are subject to domestic violence restraining orders from having firearms?**

Response: Please see my response to the previous question.

Sadly, we’ve all seen the horrific real-world effects of gun violence and the Supreme Court’s Second Amendment jurisprudence. Shortly after the May 2022 mass shooting in Uvalde, Texas, Senate Democrats and some Senate Republicans worked together to pass the *Bipartisan Safer Communities Act* to help keep America’s children and communities safe from the gun violence epidemic. In May 2022, you were scheduled to speak at the NRA Foundation’s firearms law seminar, but you withdrew as a presenter following the school shooting in Uvalde.<sup>1</sup>

**c. Why did you withdraw from that event?**

Response: The shooting in Uvalde, Texas, was a terrible tragedy that impacted so many in my home state. As for the law seminar, my firm withdrew my participation as a speaker.

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

Response: Based on the public certification of the votes of the state electors during the joint session of the 117th Congress, President Biden won the majority of the Electoral College votes and was sworn in and served as the 46th President of the United States. To

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<sup>1</sup> Karen Sloan, *NRA gun law event set to draw lawyers to Texas days after shooting*, REUTERS (May 25, 2022), <https://www.reuters.com/legal/legalindustry/nra-gun-law-event-set-draw-lawyers-texas-days-after-shooting-2022-05-25/>.

the extent this question seeks to elicit an answer that could be taken as commenting on the broader political or policy debate regarding the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election, is that it would not be appropriate for me as a judicial nominee to offer any comment. *See* Code of Conduct of United States Judges, Canons 3 & 5.

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

Response: I was at my home in Dallas, Texas, on maternity leave.

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

Response: I denounce violence of any kind. The characterization of the violence and trespass at the United States Capitol on January 6, 2021, as an “insurrection” is a matter of political debate, as is the legal import of the President’s pardons. As a judicial nominee, it would not be appropriate for me to agree or disagree with a particular characterization. *See* Code of Conduct for United States Judges, Canons 3 & 5.

**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: As a judicial nominee, it would not be appropriate for me to comment on policy matters that are the subject of political debate. *See* Code of Conduct for United States Judges, Canon 5.

**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: In general, a party should seek appellate review of a lower court order it believes to be unlawful. If the order relates to the interpretation of a state or federal statute, the party could advocate for legislative action to supersede the decision.

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

Response: I have not studied this issue in detail. My general understanding is that a party to a case is bound by a court order in that case unless and until the order is

reversed or vacated on appeal or otherwise is no longer in effect. I generally am aware of narrow circumstances where it may be appropriate for a party to fail to follow a court order, such as when a contempt proceeding is necessary to effectuate an immediate appeal, as the United States Supreme Court recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

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

Response: Article III of the U.S. Constitution states that “[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish,” and that this power “shall extend to all Cases, in Law and Equity, arising under the Constitution” or other federal laws, among other “Cases” and “Controversies.”

**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 recently addressed the constitutionality of non-party injunctions in *Trump v. CASA, Inc.*, 606 U.S. 831 (2025). If confirmed, I would follow that and any other relevant binding precedent.

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

Response: Please see my response 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 response 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: I do not recall whether I have ever sought a non-party injunction as a form of relief.

**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 provides that “[n]o 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>2</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 not be appropriate for me to comment on matters that are the subject of pending litigation and political debate, on statements by an elected official or political figure, or on the decision-making process of another judge. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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

Response: Please see my response 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 “judicial coup”<sup>3</sup> and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”<sup>4</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 response to Question 11.a.

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

Response: Please see my response 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?**

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<sup>2</sup> Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

<sup>3</sup> Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

<sup>4</sup> Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

Response: If confirmed, I understand that my decisions will be subject to public criticism, including the potential use of my picture on social media. My decision-making would not be influenced by the prospect of or any such criticism.

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

Response: A lower court may not depart from Supreme Court precedent. *See, e.g., Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989).

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

Response: I would defer to the practices of the particular circuit court. In the Fifth Circuit, it is “a well-settled Fifth Circuit rule of orderliness that one panel of [the] court may not overturn another panel’s decision, absent an intervening change in the law, such as by a statutory amendment, or the Supreme Court, or [the] *en banc* court.” *Jacobs v. Nat’l Drug Intelligence Ctr.*, 548 F.3d 375, 378 (5th Cir. 2008). Further, “[w]hen two holdings or lines of precedent conflict, the earlier holding or line of precedent controls.” *Southwestern Bell Telephone Co. v. City of El Paso*, 243 F.3d 936 (5th Cir. 2001).

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

Response: The United States Supreme Court has set forth factors for overruling its own precedent. *See, e.g., Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022) (factors for overruling precedent concerning constitutional law decisions); *Kimble v. Marvel Ent., LLC*, 576 U.S. 446 (2015) (factors for overruling precedent concerning statutory interpretation).

**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*
- 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 to Question 16a.-m.: As many judicial nominees across administrations have stated, it generally is not appropriate for a judicial nominee to offer personal views on the merits or reasoning of a particular decision of the United States Supreme Court. The two recognized exceptions are *Brown v. Board of Education* and *Loving v. Virginia*, which were correctly decided. If confirmed, all decisions of the United States Supreme Court would be binding on me, and I would faithfully apply them.

**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, lower court judges should first look to binding precedent. If there is no applicable binding precedent, a district court judge should follow the methods of constitutional interpretation as established by the United States Supreme Court and the applicable court of appeals, which varies based on context. By way of example, the Supreme Court has considered the original public meaning in interpreting parts of the Sixth Amendment, *see, e.g., Crawford v. Washington*, 541 U.S. 36 (2004), but has adopted a different approach in interpreting parts of the Eighth Amendment, *see, e.g., Roper v. Simmons*, 543 U.S. 551 (2005).

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

Response: Please see my response 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 (2015), the United States Supreme Court recognized a constitutional right to same-sex marriages.

**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 United States Supreme Court recognized a constitutional right to marry persons of a different race.

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

Response: The Fourteenth Amendment to the United States Constitution provides: “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” There is a large and developed body of precedent on these provisions of the Constitution, which, if confirmed, I would faithfully apply.

**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 United States Supreme Court has applied these clauses to protect against discrimination based on sex, *see, e.g., United States v. Virginia*, 518 U.S. 515 (1996), and sexual orientation, *see, e.g., Romer v. Evans*, 517 U.S. 620 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003); *Obergefell v. Hodges*, 576 U.S. 644 (2015).

**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 response 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 response to Question 17.

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

Response: The United States Supreme Court has recognized that the First Amendment protects individuals, associations, and corporations, although the extent of the protection varies by context. *See, e.g., First Nat’l Bank of Bos. v. Bellotti*, 435 U.S. 765 (1978); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969); *Pickering v. Bd. Of Educ.*, 391 U.S. 563 (1968). As a judicial nominee, it would not be appropriate for me to further comment on the scope of the First Amendment, which is the subject of pending litigation. *See* Code of Conduct for United States Judges, Canon 3.

**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: The United States Supreme Court has explained that “[t]he principal inquiry in determining content neutrality, in speech cases generally and in time, place, or manner cases in particular, is whether the government has adopted a regulation of speech because of disagreement with the message it conveys.” *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). There is a developed body of precedent regarding content-based restrictions, which, if confirmed, I would faithfully apply.

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

Response: The United States Supreme Court has explained the standard as follows: “‘True threats’ encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The speaker need not actually intend to carry out the

threat. Rather, a prohibition on true threats ‘protect[s] individuals from the fear of violence’ and ‘from the disruption that fear engenders,’ in addition to protecting people ‘from the possibility that the threatened violence will occur.’ Intimidation in the constitutionally proscribable sense of the word is a type of true threat, where a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.” *Virginia v. Black*, 538 U.S. 343, 359-60 (2003) (internal citations omitted); *see also Counterman v. Colorado*, 660 U.S. 66, 75 (2023). If confirmed, I would faithfully apply these and other precedents regarding the true-threat doctrine.

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

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

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

Response: As a judicial nominee, it would not be appropriate for me to comment on a matter that is the subject of pending litigation. *See* Code of Conduct for United States Judges, Canon 3.

**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: As a judicial nominee, it would not be appropriate for me to comment on a matter that is the subject of pending litigation. *See* Code of Conduct for United States Judges, Canon 3.

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

Response: As a judicial nominee, it would not be appropriate for me to comment on a matter that is the subject of pending litigation. *See* Code of Conduct for United States Judges, Canon 3.

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

Response: Yes, no one should be excluded from the federal bench based on race, ethnicity, sex, religion, or any other protected characteristic.

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: Federal judges should faithfully and impartially apply the First Step Act and binding precedents interpreting it.

- 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: If confirmed, I will commit to faithfully and impartially applying the First Step Act and all other applicable laws and precedents governing the sentencing of criminal defendants.

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

Response: I am not familiar with that statement, its context, or what the speaker intended by the reference.

- b. **President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.<sup>5</sup>**

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

Response: As a judicial nominee, it would not be appropriate for me to comment on the statements of elected officials and political figures or on matters of public debate. *See* Code of Judicial Conduct for United States Judges, Canon 5.

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

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

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

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

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

Response: If confirmed, I would evaluate all of my associations and memberships for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing associations and memberships. My current understanding based on the practice of many other judges is that I would be permitted to remain affiliated with the Federalist Society.

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

Response: I have not spoken to or corresponded with any individuals associated with the Federalist Society as part of my selection process. I have spoken with personal friends who are members of the Federalist Society about the process and fact of my nomination generally, but not employees of the Federalist Society or in their capacity as members of the Federalist Society.

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

Response: Yes. As disclosed on my Senate Judiciary Questionnaire, I delivered presentations on administrative law to the Dallas and Fort Worth Chapters of the Federalist Society.

- e. 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. In your Questionnaire, you state that you are currently a member of the Teneo Network. How many meetings have you attended since joining?**

Response: I have been a member of Teneo since 2013 and do not have a record of every meeting or event I have attended. I would estimate that I attend approximately one to three events per year.

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

Response: I have not spoken to or corresponded with any individuals associated with Teneo as part of my selection process. I have spoken with personal friends who are members of Teneo about the process and fact of my nomination generally, but not employees of Teneo or in their capacity as members of Teneo.

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

Response: To the best of my recollection, no.

**d. 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: I am not aware of the full composition of individuals associated with the Heritage Foundation. To the best of my knowledge, 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: I am not aware of the full composition of individuals associated with AFPI. To the best of my knowledge, 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: I am not aware of the full composition of individuals associated with AFLI. To the best of my knowledge, 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: I am not aware of the full composition of individuals associated with the Article III Project. To the best of my knowledge, 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: I am not aware of the full composition of individuals associated with ADF. To the best of my knowledge, 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: I am not aware of the full composition of individuals associated with the Concord Fund. To the best of my knowledge, 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 have no knowledge of anyone making any donations to any person or group in support of my nomination, and any such donations will not impact my work as a judge if I am confirmed.

- 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: As a judicial nominee, it would not be appropriate for me to comment on whether any such donations should be made public. If confirmed and faced

with this issue, I would consider any actual or potential conflicts of interest in that matter under applicable laws, rules, and practices. Additionally, I am committed to the principal of an impartial judiciary, and, if I am confirmed, I will apply the law impartially.

- 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 response to the previous question.

**Senator Josh Hawley**  
**Questions for the Record**

**Kasdin M. Mitchell**  
**Nominee, U.S. District Judge, Northern District of Texas**

**1. In private practice, you represented social media companies (including Meta) and trade associations for major social media platforms, including in cases that turned on Section 230 of the Communications Decency Act.**

**a. Will you commit to this Committee that, if confirmed, you will approach Section 230 cases in the Northern District of Texas fairly and objectively—and that your prior clients’ legal positions will carry no special weight in your courtroom?**

Response: Yes. I will recuse from any Section 230 cases where I served as a lawyer, and I will approach any other cases fairly and objectively, without regard for my prior clients’ legal positions, which will carry no special weight in my courtroom.

**2. Congress enacted Section 230 in 1996, before platforms like Facebook existed in anything like their current form. Nothing in your prior advocacy required you to opine on whether the statute, as currently written and interpreted, strikes the right balance between protecting platforms and protecting users.**

**a. In your view, does Section 230 have a limiting principle, or does its immunity, as courts have interpreted it, effectively have no limit?**

Response: The text of Section 230 includes a number of limits, including those in subsection (e). Beyond that, as a judicial nominee, it would not be appropriate for me to comment on the scope of Section 230, which is the subject of pending litigation and policy debate. *See* Code of Conduct for United States Judges, Canons 3 & 5. Further, given that I am currently representing Meta in litigation involving the scope of Section 230, I am not able to comment because doing so would implicate the attorney work product doctrine, the attorney-client privilege, and duties of professional responsibility.

**3. In *Moody v. NetChoice*, the Supreme Court held that social media platforms have First Amendment rights to exercise editorial control over third-party content. Some have argued that this framing—treating platform curation as protected speech—effectively immunizes platforms against both government regulation and civil liability, producing results Congress never intended.**

- a. Do you believe the First Amendment and Section 230 together give social media platforms total immunity from both litigation and regulation?**

Response: As a judicial nominee, it would not be appropriate for me to comment on the scope of the First Amendment and Section 230, which are the subject of pending litigation and policy debate. *See* Code of Conduct for United States Judges, Canons 3 & 5. Further, given that I am currently representing Meta in litigation involving the scope of the First Amendment and Section 230, including in the remand proceedings in *Moody v. NetChoice*, I am not able to comment because doing so would implicate the attorney work product doctrine, attorney-client privilege, and duties of professional responsibility.

- 4. If confirmed, former clients of yours—including Meta and members of the trade associations you represented—may appear before you.**

- a. Will you commit to carefully evaluating recusal under applicable law and the Code of Conduct for United States Judges in any case involving a former client?**

Response: Yes, I will carefully evaluate recusal under applicable law and the Code of Conduct for United States Judges in any case involving a former client.

- b. Will you commit to recusing yourself from any case in which your impartiality might reasonably be questioned because of your past representations?**

Response: Yes, I will recuse myself from any cases in which my impartiality might reasonably be questioned, pursuant to applicable law and the Code of Conduct for United States Judges.

**Nomination of Kasdin Mitchell**  
**Nominee to the U.S. District Court for the Northern District of Texas**  
**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. You said in your questionnaire that you were a 2017 Fellow at the Claremont Institute, where John Eastman is a Senior Fellow and the Founding Director of the Institute's Center for Constitutional Jurisprudence.

- a. Do you know John Eastman? If so, how do you know John Eastman?

Response: Yes. When I was a John Marshall Fellow at the Claremont Institute in 2017, he served as an instructor. We also are both former law clerks to Associate Justice Clarence Thomas on the United States Supreme Court.

2. You said in your questionnaire that you have been a member of the Teneo Network since 2013.

- a. Why did you join this group?

Response: I joined Teneo to participate in its educational and networking programming.

- b. What activities have you engaged in as part of the Teneo Network?

Response: I have attended educational and networking programming as part of my membership.

- c. Have you participated in creating any agenda for the Teneo Network? If yes, please describe.

Response: No.

- d. Have you participated in any fundraising for the Teneo Network? If yes, please describe.

Response: I have not participated in any fundraising efforts, but I have donated on occasion.

- e. Did your affiliation with Teneo Network play a role in securing your judicial nomination? If so, please describe how.

Response: Not to my knowledge.

3. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.

a. Leonard Leo?

Response: No.

b. Anyone affiliated with an entity led or funded by Leonard Leo?

Response: To the best of my knowledge, I have not spoken about my nomination with any employees of any entities led or funded by Mr. Leo. To the extent “affiliated with” includes membership, I have personal friends who are members of the Federalist Society and Teneo, many of whom reached out in response to my nomination to share support and encouragement.

c. Carrie Severino?

Response: No.

d. Mike Davis?

Response: No.

e. Anyone affiliated with The Article III Project?

Response: Not to my knowledge.

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

**For Kasdin Mitchell, to be U.S. District Judge for the Northern District of Texas**

You submitted a brief on behalf of the State of Alabama in *Shelby County v. Holder*.

- Are you aware that a Brennan Center study found that as many as nine million more eligible voters would have cast ballots in the 2020 election without the *Shelby* decision?

Response: I am not aware of the referenced study or its findings.

**Nomination of Kasdin Mitchell  
to the United States District Court for the Northern District of Texas  
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: Article II of the United States Constitution provides that the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint” federal judges. The Constitution does not specify the process by which the Senate should exercise its role in that process, and I am not aware of any law or rules that do so. I do not have a personal opinion on how the Senate Judiciary Committee should carry out its responsibilities, but I am happy to answer any questions from the Committee to the best of my ability, subject to applicable legal, professional, and ethical obligations.

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, subject to applicable legal, professional, and ethical obligations.

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 prepared a draft response to these questions after consulting my records, legal precedent, and responses addressing similar questions submitted by other judicial nominees. After receiving limited feedback from the Office of Legal Policy at the United States Department of Justice, I finalized my answers based on my own judgment and authorized the answers to be submitted to the Senate Judiciary Committee.

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

Response: Nominees should answer questions accurately and truthfully to the best of their ability. If a nominee agrees with an answer provided by a prior nominee, a verbatim answer may be 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: Not to my knowledge, 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: Justice Thomas.

- 6. How would you describe your judicial philosophy?

Response: If I am confirmed, my judicial philosophy would be to adhere to my oath of office: to “administer justice without respect to persons, and do equal right to the poor and to the rich” and to “faithfully and impartially discharge and perform all duties incumbent upon me ... under the Constitution and laws of the United States.” Put another way, I would faithfully apply binding precedent and would neutrally interpret and apply the law without regard for my personal policy preferences, consistent with the judicial power of Article III to the United States Constitution and other applicable laws and rules.

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

Response: If confirmed, I would faithfully apply the factors set forth in applicable precedent of the United States Supreme Court and United States Court of Appeals for the Fifth Circuit.

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

Response: Yes, consistent with binding precedent such as *Timbs v. Indiana*, 586 U.S. 146, 151 (2019), and *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010).

- 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, consistent with binding precedent such as *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 237-40 (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, I would be bound by precedent of the United States Supreme Court and the United States Court of Appeals for the Fifth Circuit. I would also consult decisions of another court of appeals for persuasive value.

- 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 factor that binding precedent identifies as relevant. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on hypothetical considerations in an unspecified context.

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: If confirmed and faced with this issue, I would apply binding precedent and any other applicable law, consistent with the modes of judicial reasoning used by the United States Supreme Court and United States Court of Appeals for the Fifth Circuit. I

would also consider the sources cited by the parties, consistent with the party presentation principle.

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: If Congress certifies a candidate as being the winner of a presidential election, it means that the President of the Senate, in the presence of the Senate and House of Representatives, opened all the certificates of the state electors and counted the votes from the Electoral College. According to Article I, Section 1, Clause 3 of the United States Constitution, following this process, “The Person having the greatest Number of Votes shall be the President.”

11. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked your fellow nominees who won the 2020 election. Michael Martin first replied, and Antonio Pozos and Angela Colmenero echoed, that “as a matter of law, Joe Biden was the winner of the 2020 election.”

- a. Do you agree with the answer your fellow nominees gave?

Response: Yes.

- b. If so, what does it mean to win an election “as a matter of law”?

Response: Article I, Section 1 of the United States Constitution prescribes the process by which a candidate “shall be the President” following an election.

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

Response: Under the United States Constitution, a candidate “shall be the President” of the United States once certain legal requirements have been satisfied. To the extent the phrase “winning the election” means something other than winning as a matter of the legal procedures set forth in the Constitution, it would not be appropriate for me as a judicial nominee to comment on that characterization. *See* Code of Conduct for United States Judges, Canon 5.

- 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)?

Response: In advance of my hearing, I listened to prior hearings to prepare possible answers for questions other nominees had received.

- 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: No, and I am not aware of any law that criminalizes rulings against a President’s preferred outcome in a case.

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

Response: As a judicial nominee, it would not be appropriate for me to comment on an issue of political debate or a statement by an elected official or political figure. *See* Code of Conduct for United States Judges, Canons 3, 5.

- 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 response to Question 12.b.

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

Response: Please see my response to Question 12.b.

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

Response: Please see my response to Question 12.b.

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

Response: Please see my response to Question 12.b.

- 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: If confirmed, I will address actual or potential conflicts of interest with reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

- 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: If confirmed, I would faithfully apply 18 U.S.C. § 3583(e)(1). Beyond that, I do not have any firsthand knowledge about the policy rationale for that provision, nor would it be appropriate for me to comment on policy matters that are the subject of political debate and at issue in pending cases. *See* Code of Conduct for United States Judges, Canons 3 & 5.

- 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: If confirmed and faced with this issue, I would apply binding precedent and any other applicable law, consistent with the modes of judicial reasoning used by the United States Supreme Court and United States Court of Appeals for the Fifth Circuit. I would also consider the sources cited by the parties, consistent with the party presentation principle. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on matters that are the subject of pending litigation and political debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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

Response: The United States Supreme Court has held that “the ‘constitutional right to travel from one State to another’ is firmly embedded in our jurisprudence.” *Saenz v. Roe*, 526 U.S. 489, 498 (1999).

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

Response: If confirmed and faced with this issue, I would apply binding precedent and any other applicable law, consistent with the modes of judicial reasoning used by the United States Supreme Court and United States Court of Appeals for the Fifth Circuit. I would also consider the sources cited by the parties, consistent with the party presentation principle. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on matters that are the subject of pending litigation and political debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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

Response: The United States Supreme Court has held that the liberty component of the Due Process Clause of the Fourteenth Amendment to the United States Constitution protects a right to privacy. *See, e.g., Griswold v. Connecticut*, 381 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Lawrence v. Texas*, 539 U.S. 558 (2003).

- 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 (1975), the United States Supreme Court recognized a constitutional right to privacy that protects a woman's right to use contraceptives.

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

Response: From the perspective of a district court nominee, I would look to precedent of the United States Supreme Court and the United States Court of Appeals for the Fifth Circuit to determine the manner in which to approach a particular legal issue. By way of example, the Supreme Court has considered the original public meaning in interpreting parts of the Sixth Amendment, *see, e.g., Crawford v. Washington*, 541 U.S. 36 (2004), but has adopted a different approach in interpreting parts of the Eighth Amendment, *see, e.g., Roper v. Simmons*, 543 U.S. 551 (2005).

- 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 consider sources on which the United States Supreme Court and United States Court of Appeals for the Fifth Circuit have relied, which in certain contexts has included, for example, records of the state ratifying conventions, dictionaries, and The Federalist Papers.

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

Response: The judicial oath requires judges to “administer justice without respect to persons,” 28 U.S.C. § 453, meaning that each party should receive a fair adjudication regardless of identity. Further, the United States Supreme Court has stated that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

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

Response: If confirmed and faced with this issue, I would consider all the circumstances and applicable laws to determine whether to stay or defer the party’s obligation to comply with a judicial order, *see, e.g.*, Fed. R. Civ. P. 62, or to employ certain tools available to federal district courts to enforce their orders, such as sanctions or contempt proceedings. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on hypothetical cases or matters that are the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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: If confirmed and faced with this issue, I would apply the criteria considered in binding precedent and any other applicable law, including Federal Rule of Civil Procedure 26. I would also consider the arguments made by the parties, consistent with the party presentation principle. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on hypothetical cases or matters that are the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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

Response: If confirmed and faced with this issue, I would address it consistent with binding precedent and any other applicable law. I would also consider the arguments made and relief requested by the parties, consistent with the party presentation principle.

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

Response: The role, if any, of the practical consequences of a ruling depends on the particular context. For example, the prospect of irreparable harm may be relevant to a decision regarding the entry of a preliminary injunction. *See, e.g., Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008).

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

Response: A judge's personal views formed by the judge's personal life experience should not play a role in his or decision-making process.

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

Response: The judicial oath requires a judge to "administer justice without respect to persons." Accordingly, a judge must rule according to the law, regardless of whether he or she has empathy for a particular person or position. With that said, it is important for judges to be respectful of all litigants and to understand that rulings may carry profound consequences for the lives of real people.

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

Response: I am most proud of my work on *Bowe v. United States*, where I was appointed by the United States Supreme Court to brief and argue the case on the merits, in support of the decision below. I tried my best to help the Court decide the issue presented with the benefit of adversarial testing. I was fortunate to have the help of a team of some of the best lawyers at my firm. Though the position I was asked to defend did not prevail, many of the arguments we made in our brief were adopted by several Justices. I am very grateful for the opportunity to have served as the court-appointed amicus in that case.

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: If confirmed, I would consider this practice in setting up my courtroom procedures to promote the professional development of junior lawyers.

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

Response: If confirmed, I would both permit and encourage junior lawyers to take on substantive responsibilities in cases pending before me. In my role as a supervisor in private practice, I have strived to provide opportunities for junior lawyers and have seen firsthand the value of those opportunities to both the client and the junior lawyer. I would also strive to explain my decision-making clearly and accessibly, which I would hope would benefit the development of lawyers at all stages of their career.

27. Discuss your proposed hiring process for law clerks.

Response: I do not currently have a proposed hiring process for law clerks. If confirmed, I expect to evaluate any potential law clerk based on their application and an interview to determine whether that person is the best fit for the job.

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

Response: As a judicial nominee, it is not appropriate for me to comment on the policy question whether Title VII of the Civil Rights Act should be amended to apply to law clerks in the federal judiciary. If confirmed, I will endeavor to ensure that discrimination does not occur in my chambers.

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: If confirmed, I would adhere to Canon 3 of the Code of Conduct for United States Judges providing that “[a] judge should neither engage in, nor tolerate, workplace conduct that is reasonably interpreted as harassment, abusive behavior, or retaliation for reporting such conduct.” I would also consult with other judges and professionals to understand best practices for reducing misconduct and ensuring that any concerns are reported and addressed. And I would strive to lead by example.

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

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

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

Response: If confirmed, I would report the matter to the Chief Judge of my district consistent with my obligations under Canon 3 of the Code of Conduct. I would also take any other actions needed to prevent harm to those affected by the misconduct. Canon 3 provides: “Appropriate action may include direct communication with the judge . . . , other direct action if available, reporting the conduct to the appropriate authorities, or, when the judge believes that a

judge's... conduct is caused by drugs, alcohol, or a medical condition, making a confidential referral to an assistance program. Appropriate action may also include responding to a subpoena to testify or otherwise cooperating with or participating in judicial ... disciplinary proceedings; a judge should be candid and honest with disciplinary authorities.”

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: The characterization of the violence and trespass at the U.S. Capitol on January 6, 2021, is a matter of political debate, as is the legal import of the President's pardons. The word “insurrection” has a legal meaning with legal consequences that directly impact candidates for political office, *see, e.g.*, U.S. Const. amend. XIV, § 3. As a judicial nominee, it is not appropriate for me to agree or disagree with a particular characterization. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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

Response: Please see my response to Question 29.

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: As a judicial nominee, it would not be appropriate for me to comment on policy matters that are the subject of political debate. *See* Code of Conduct for United States Judges, Canon 5.

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

Response: As a judicial nominee, it would not be appropriate for me to comment on policy matters that are the subject of political debate. *See* Code of Conduct for United States Judges, Canon 5.

32. You discuss in your Senate Judiciary Questionnaire that in the U.S. Supreme Court case *New York State Rifle & Pistol Association v. Bruen*, you successfully represented the NYSRPA “in a Second Amendment challenge to New York’s ‘good cause’ permitting regime to carry a firearm.” In May 2022, you were slated to discuss this case at the NRA Foundation’s Annual National Firearms Law Seminar in Houston, Texas, but dropped out after the school shooting in Uvalde, Texas, occurred four days before the seminar. In the following weeks, shortly after the release of the *Bruen* decision in June 2022, your law firm, Kirkland & Ellis, announced that it would “no longer represent clients with respect to matters involving the interpretation of the Second Amendment.” The firm’s decision caused your co-counselors in *Bruen*, Paul Clement and Erin Murphy, to depart the firm.

- a. Why did you drop out of presenting at the NRA Foundation seminar following the school shooting in Uvalde, Texas?

Response: My law firm withdrew my participation as a speaker at the seminar.

- b. Why did Kirkland & Ellis decide to cease “represent[ing] clients with respect to matters involving the interpretation of the Second Amendment”?

Response: I was not involved in the decision-making process.

- c. Do you agree with the decision of Kirkland & Ellis to cease “represent[ing] clients with respect to matters involving the interpretation of the Second Amendment”?

Response: It is important in our legal system for litigants to have access to legal representation. With that said, I do not have experience with or an opinion on issues of firm management.

- d. Did you consider leaving Kirkland & Ellis in light of the firm’s decision? If so, why did you decide not to leave the firm?

Response: After careful consideration, I decided to stay at Kirkland & Ellis for personal and professional.

33. In your Questionnaire, you note that you have been a member since 2013 of the Teneo Network, an organization that “exist[s] to Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society.”

- a. Do you think it is appropriate for a federal judge to be a member of such an organization?

Response: If confirmed, I will consult with colleagues and ethics officials about my membership.

- b. If you are confirmed, will you discontinue your membership in the Teneo Network?

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

- 34. In your Questionnaire, you note that just 5% of your practice has involved criminal proceedings.

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

Response: Although criminal cases have made up a relatively small percentage of my practice over the course of my career as compared to civil cases, I have significant experience in criminal cases and habeas proceedings, which often involve issues of criminal law and procedure. In the United States Supreme Court, I briefed and argued a federal habeas case (*Bowe v. United States*) and helped lead the drafting of a merits brief concerning appeals of federal criminal sentences (*Holguin-Hernandez v. United States*). I was appointed by the United States Court of Appeals for the Sixth Circuit to brief and argue an appeal on behalf of a criminal defendant convicted of second-degree murder who sought relief based on a sentencing error under *Blakely v. Washington*, 542 U.S. 296 (2004). I worked on many criminal cases in the Alabama Attorney General's office, on issues ranging from the speedy-trial right, to ineffective assistance of counsel, to juror misconduct. I also orally argued a criminal appeal in the Alabama Court of Criminal Appeals. In addition to those more significant representations, I have worked in a supporting role on several criminal or criminal-related cases at Kirkland & Ellis and supported both Justice Thomas and Chief Judge Pryor on numerous criminal cases during my clerkships.

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

Response: I have already begun getting up to speed on the aspects of criminal proceedings where I have less experience, consulting relevant criminal statutes, publicly available guides on criminal procedure and sentencing, and the United States Sentencing Guidelines. I also plan to shadow current judges to learn from their example.

**Questions for the Record for Kasdin Mitchell**  
**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: If confirmed, I will address actual or potential conflicts of interest with reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

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

Response: Please see my response to Question 1.

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

Response: Please see my response to Question 1. In addition, if confirmed, I will recuse myself from cases on which I worked for former clients as a lawyer and will recuse myself for two years from cases in which Kirkland & Ellis LLP represents a party to the case.

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

Response: Please see my response to Question 1.

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

Response: If confirmed, I will follow all applicable laws and rules governing federal judges.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Yes.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

- 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: In *Ex parte Robinson*, the United States Supreme Court stated: “The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice.” 86 U.S. 505, 510 (1873); *see also, e.g., Bessette v. W.B. Conkey Co.*, 194 U.S. 324, 326-27 (1904).

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

Response: Please see my response to Question 4.a. Additionally, federal judges are limited by applicable laws and precedent in deciding whether to issue contempt orders, including as to any government official who defies a court order. As a judicial nominee, it would not be appropriate for me to opine on the scope of these limitations, which are the subject of pending litigation and political debate. *See Code of Conduct for United States Judges, Canons 3 & 5.*

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

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

Response: Yes.

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

Response: Yes, federal courts have certain tools available to enforce their orders, including the power to sanction and to hold parties in contempt.

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

Response: Please see my response to the previous question.

- 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: I have not studied this issue in detail. My general understanding is that a federal Executive Branch official who is a party to a case is bound by a court order in that case unless and until the order is reversed or vacated on appeal or otherwise is no longer in effect. I am generally aware of narrow circumstances

where it may be appropriate for a party to fail to follow a court order, such as when a contempt proceeding is necessary to effectuate an immediate appeal, as the United States Supreme Court recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

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

Response: Please see my response to the previous question.

- d. What would make a court order unlawful?

Response: In general, a court order could be unlawful if the court lacked jurisdiction or committed a reversible error.

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

Response: In general, a party should seek appellate review of a lower court order it believes to be unlawful.

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

Response: Please see my response 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.

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

Response: I was not present at the United States Capitol on January 6, 2021, but, based on video footage, I observed violence against police officers and other unlawful conduct. The characterization of this conduct is currently a matter of pending litigation and political debate; as a judicial nominee, it would not be appropriate for me to provide further comment. *See* Code of Conduct of United States Judges, Canons 3, 5.

- 8. Who won the 2020 election?

Response: Based on the public certification of the votes of the state electors during the joint session of the 117th Congress, President Biden won the majority of the Electoral

College votes and was sworn in and served as the 46th President of the United States. To the extent this question seeks to elicit an answer that could be taken as commenting on the broader political or policy debate regarding the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election, is that it would not be appropriate for me as a judicial nominee to offer any comment. *See Code of Conduct of United States Judges, Canons 3 & 5.*

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

Response: Please see my response to Question 8.

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

Response: Please see my response to Question 8.

- c. Did Donald Trump lose the 2020 election?

Response: Please see my response to Question 8.

9. Who won the 2024 election?

Response: Based on the certification of the votes of the state electors during the joint session of the 119th Congress, President Trump won the majority of the Electoral College votes and was sworn in and served as the 47th President of the United States.

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

Response: Please see my response to Question 9. In keeping with the position of prior judicial nominees, it would not be appropriate for me to comment on political or policy debates regarding the integrity of any election, including the 2024 presidential election. *See Code of Conduct for United States Judges, Canons 3 & 5.*

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

Response: Please see my response to Question 9.

- c. Did Donald Trump lose the 2024 election?

Response: Please see my response to Question 9.

10. In *New York State Rifle & Pistol Association v. Bruen*, you represented the plaintiff in bringing a Second Amendment challenge to New York's requirement that concealed carry licenses could be issued only when license applicants demonstrated "proper cause." In ruling in your favor, the *Bruen* Court invented an entirely new constitutional test for

firearms regulations that has devastated commonsense efforts to mitigate gun violence. You have also challenged California and New Jersey’s prohibitions on large-capacity magazines.

- a. Given your legal positions, do you believe all laws prohibiting or otherwise regulating large-capacity magazines are unconstitutional?

Response: The referenced legal positions were in the context of my role as an advocate for a client. As a judicial nominee, it would not be appropriate for me to comment on the scope of the Second Amendment, which is the subject of pending litigation. *See* Code of Conduct for United States Judges, Canon 3.

- b. Do you believe that it should be legal to buy machine guns?

Response: As a judicial nominee, it would not be appropriate for me to comment on policy matters that are the subject of political debate. *See* Code of Conduct for United States Judges, Canon 5.

- c. Do you believe that laws banning the following individuals from owning guns are unconstitutional:

- i. Convicted murderers?

Response: The United States Supreme Court has recognized “longstanding prohibitions on the possession of firearms by felons and the mentally ill.” *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008). Beyond that, as a judicial nominee, it would not be appropriate for me to comment on the scope of the Second Amendment, which is the subject of pending litigation. *See* Code of Conduct for United States Judges, Canon 3.

- ii. Convicted rapists?

Response: Please see my response to Question 10.c.i.

- iii. Convicted violent domestic abusers?

Response: Please see my response to Question 10.c.i.

- iv. Convicted mass shooters?

Response: Please see my response to Question 10.c.i.

- d. Do you believe that all gun control laws are unconstitutional?

Response: Please see my response to Question 10.c.i. Additionally, the United States Supreme Court has stated: “Like most rights, the right secured by the

Second Amendment is not unlimited.” *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008). For example, the Court has acknowledged that “arms carrying could be prohibited consistent with the Second Amendment” in sensitive places such as “legislative assemblies, polling places, and courthouses.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2002).

- e. If confirmed, would you use your position as a federal judge to strike down as unconstitutional the gun laws that come before you?

Response: If confirmed, I would not advocate for any particular outcome, but would faithfully and neutrally interpret and apply the law.

11. You have represented internet trade groups in lawsuits claiming that various laws regulating social media platforms violate the First Amendment.

- a. Given your legal positions, do you believe that a law requiring social media companies to prevent and mitigate the promotion on their platforms of suicide, eating disorders, substance abuse, sexual exploitation, and advertisements for illegal products would violate the First Amendment?

Response: The referenced legal positions were in the context of my role as an advocate for a client. As a judicial nominee, it would not be appropriate for me to comment on the scope of the First Amendment, which is the subject of pending litigation. *See* Code of Conduct for United States Judges, Canon 3.

- b. Do you believe that a law prohibiting—or enabling users to disable—addictive product features and algorithmic recommendations on social media platforms would violate the First Amendment?

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

- c. Do you believe that a law prohibiting technology companies from providing artificial intelligence (AI) “companions” to minors would violate the First Amendment?

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

12. During your time as an Assistant Solicitor General in Alabama, you coauthored an amicus brief in the Supreme Court case *Shelby County v. Holder*, arguing that the preclearance requirement of Section 5 of the Voting Rights Act (VRA) should be struck down because “[t]hings in the South have...changed” such that Section 5 was no longer necessary.

Recently, after the Supreme Court reinterpreted Section 2 of the VRA, several states—including Alabama, Louisiana, and Tennessee—redrew their congressional maps to

eliminate districts where minorities had the opportunity to elect a representative of their choice, as Section 2 required.

- a. In light of states' eliminations of districts where minorities had the opportunity to elect a representative of their choice, do you still believe that things have sufficiently "changed" such that federal laws preventing states from suppressing minority voting are no longer necessary?

Response: As a judicial nominee, it would not be appropriate for me to comment on policy matters that are the subject of political debate. *See* Code of Conduct for United States Judges, Canon 5.

- b. If confirmed, how can future litigants trust that you will remain unbiased on voting rights issues?

Response: If confirmed, I would not advocate for any particular outcome, but would faithfully and neutrally apply the law. I am very grateful to have received support from many attorneys of a variety of political and ideological leanings who spoke to my reputation for fairness, integrity, and professionalism.

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

**Nomination Hearing  
Questions for the Record for Kasdin Miller Mitchell**

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. In announcing your nomination, on May 11, 2026, President Trump wrote on social media that you are, “fiercely defending the Second Amendment and Religious Liberty, which are always under siege by the Radical Left.”

a. **What do understand the term “radical left” to mean?**

Response: As a judicial nominee, it would not be appropriate for me to comment on an issue of political debate or a statement by an elected official or political figure. *See* Code of Conduct for United States Judges, Canon 5.

b. **Do you agree with President Trumps characterization that religious liberty and the Second Amendment are “under siege”?**

Response: As a judicial nominee, it would not be appropriate for me to comment on pending litigation or an issue of political debate or a statement by an elected official or political figure. *See* Code of Conduct for United States Judges, Canons 3 & 5.

c. **Do you agree that you are fighting against a “siege by the Radical Left”?**

Response: As a judicial nominee, it would not be appropriate for me to comment on pending litigation or an issue of political debate or a statement by an elected official or political figure. *See* Code of Conduct for United States Judges, Canons 3 & 5.

d. **How can we trust that a judge whose nomination was announced in such terms will be impartial?**

Response: I am very grateful to have received support from many attorneys of a variety of political and ideological leanings who have spoken to my reputation for fairness, integrity, and professionalism. If confirmed, I would not advocate for any particular outcome, but would faithfully and neutrally apply the law. Throughout my career, as both a law clerk and an advocate, I have advanced legal positions contrary to my personal policy preferences. If confirmed, I would faithfully adhere to my oath of office and decide cases based on the law without regard to my personal views.

3. You participated in a fellowship program at the Claremont Institute, which has been described as a “nerve center of the American right.”

- a. **What principles or ideas led you to pursue or accept this fellowship with the Claremont Institute?**

Response: I pursued this fellowship to participate in the educational and networking programming it offered.

- b. **Are there any positions advanced by the Claremont Institute with which you disagree?**

Response: As a judicial nominee, it would not be appropriate for me to comment on policy positions that are a matter of political debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

- c. **How would you assure litigants of your impartiality on the bench given your past affiliation with this politically-aligned organization?**

Response: If confirmed, I would take my oath of office and the duty of impartiality seriously. I would not advocate for any particular outcome, but would faithfully and neutrally apply the law. I am very grateful to have received support from many attorneys of a variety of political and ideological leanings who have spoken to my reputation for fairness, integrity, and professionalism.

4. During your time as an Assistant Solicitor General for the State of Alabama, you co-authored an amicus brief submitted to the U.S. Supreme Court on behalf of Alabama in *Shelby County v. Holder*. In the brief, you claimed that “Alabama has a new generation of leaders with no connection to the tragic events of 1965. The effects of those events on voting and political representation have now, thankfully, faded away.” Since the Supreme Court’s ruling on the matter, we’ve seen some states systematically attempt to disenfranchise African American voters.

- a. **Are you familiar with the term “Southern strategy” in the context of Republican political aims in the second half of the Twentieth Century? If so, please describe your understanding of the goals and methods of the Southern strategy.**

Response: I am not familiar with that phrase.

- b. **Are you aware of the current attempts by Southern States—including Alabama—to disenfranchise African American voters?**

Response: I generally am aware of redistricting efforts across the country, but it would not be appropriate for me to comment on the characterization of those efforts, which are the subject of pending litigation and a matter of political debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

- c. **Given the Supreme Court found a violation of the Voting Rights Act by the State of Alabama in 2023, do you still maintain that the effects of voting discrimination in that state have “faded away”?**

Response: The referenced quote was in the context of my role as an advocate for the State of Alabama. As a judicial nominee, it would not be appropriate for me to comment on matters that are the subject of pending litigation and political debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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

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

Response: Based on the public certification of the votes of the state electors during the joint session of the 117th Congress, President Biden won the majority of the Electoral College votes.

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

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

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

Response: The candidate who receives more electoral votes in a presidential election does not necessarily win the popular vote, and vice versa.

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

Response: I have no firsthand knowledge of the popular vote count in the 2020 election. To the extent this question seeks to elicit an answer that could be taken as commenting on the broader political or policy debate regarding the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election, is that it would not be appropriate for me as a judicial

nominee to offer any comment. *See* Code of Conduct of United States Judges, Canons 3 & 5.

- 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: Please see my response to the previous question.

- 6. **Under what conditions must a federal judge recuse from a case?**

Response: To the best of my knowledge, the provisions of 28 U.S.C. § 455 and the Code of Conduct for United States Judges govern mandatory recusal by federal judges.

- 7. **Will you recuse from cases involving former clients, such as Meta?**

Response: I will recuse myself from cases on which I worked for former clients as a lawyer.

**Nomination of Kasdin Mitchell**  
**United States District Court for the Northern District of Texas**  
**Questions for the Record**  
**Submitted June 17, 2026**

**QUESTIONS FROM SENATOR BOOKER**

1. You clerked for Supreme Court Justice Clarence Thomas in 2016. In August 2023, you signed a letter that defended him in the face of allegations of his ethical misconduct.<sup>1</sup>
- a. Describe the process of writing and editing this letter, including how the signatures were collected. Identify all individuals and organizations involved in writing, editing, and/or collecting signatories

Response: I was not involved in writing, editing, and/or collecting signatures.

- b. Describe how you learned about this letter, including from whom and the content of that discussion.

Response: I learned about the letter from a former law clerk to Justice Thomas, who sent me an email to ask if I would like to sign the letter.

- c. Did you write or edit any portion of this letter? Identify the portions you authored or edited.

Response: I did not.

2. In May 2022, you withdrew from a National Rifle Association (NRA) Foundation firearms law seminar, which was held four days after the tragic mass shooting at Robb Elementary School in Uvalde, Texas.<sup>2</sup>

- a. Describe the circumstances that led you to withdraw from this seminar.

Response: My firm withdrew my participation as a speaker in the seminar.

- b. What was the planned topic of your May 2022 lecture?

Response: To the best of my recollection, I was planning to discuss the then-pending *New York State Rifle & Pistol Ass'n v. Bruen* case.

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<sup>1</sup> Available at <https://static.foxnews.com/foxnews.com/content/uploads/2023/08/Clerk-Letter-Final-w-Signatures-1.pdf>.

<sup>2</sup> Karen Sloan, *NRA gun law event set to draw lawyers to Texas days after shooting*, REUTERS (May 26, 2022), <https://www.reuters.com/legal/legalindustry/nra-gun-law-event-set-draw-lawyers-texas-days-after-shooting-2022-05-25/>.

3. 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.

4. 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: If confirmed, I will recuse from any matters on which I worked as a lawyer. I will address other actual or potential conflicts of interest with reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

5. 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: If confirmed, I would not entertain a request outside of the normal legal process to rule in a particular way or in favor of a particular party. I would consult applicable laws and the Code of Conduct for United States Judges, as well as colleagues and ethics officials, on how to handle and report any such situation.

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

Response: Please see my response to Question 5.

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

Response: As a judicial nominee, it would not be appropriate for me to comment on the sufficiency of existing recusal and conduct rules, which is a matter of ongoing political debate, *see* Code of Conduct for United States Judges, Canon 5, and is an issue that could come before me if I were confirmed.

6. 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, it would not be appropriate for me to comment on a matter of political debate or statements by an 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: If confirmed, I understand that my decisions may be subject to public criticism. My decision-making would not be influenced by the prospect of or any such criticism.

- 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: Please see my response to Question 6.a.

- 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: I am not aware of any such obligation, but if confirmed I would adhere to all ethical obligations.

7. 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, it would not be appropriate for me to advise the Senate or this Committee on what steps it should take in those circumstances.

8. 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 response to Question 7.

9. How would you characterize your judicial philosophy?

Response: If confirmed, my judicial philosophy would be to adhere to my oath of office: to "administer justice without respect to persons, and do equal right to the poor and to the rich" and to "faithfully and impartially discharge and perform all duties incumbent upon me ... under the Constitution and laws of the United States." Put another way, I would faithfully apply binding precedent and would neutrally interpret and apply the law without regard for my personal policy preferences, consistent with the judicial power of Article III of the United States Constitution and other applicable laws and rules.

10. What do you understand originalism to mean?

Response: At a high level, originalism is a method of constitutional interpretation that seeks to ascertain the public meaning of the text at the time the provision was ratified.

11. Do you consider yourself an originalist?

Response: If confirmed, as a district court judge, I would be bound by precedents of the United States Supreme Court and the United States Court of Appeals to the Fifth Circuit, including as to methods of constitutional interpretation.

12. What do you understand textualism to mean?

Response: At a high level, textualism is a method of statutory interpretation that seeks to ascertain the public meaning of the text at the time the provision was enacted.

13. Do you consider yourself a textualist?

Response: If confirmed, as a district court judge, I would be bound by precedents of the United States Supreme Court and the United States Court of Appeals to the Fifth Circuit, including as to methods of statutory interpretation.

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

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

Response: If confirmed, I would be bound by precedents of the United States Supreme Court and the United States Court of Appeals to the Fifth Circuit, including concerning the use of legislative history in statutory interpretation cases.

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

Response: The United States Supreme Court has stated that, where the meaning of statutory text “is plain and unambiguous,” the Court “need not accept [a party’s] invitation to consider the legislative history.” *Whitfield v. United States*, 543 U.S. 209, 215 (2005). The Court has further explained that legislative history “is meant to clear up ambiguity, not create it.” *Milner v. Dep’t of Navy*, 562 U.S. 562, 574 (2011). If confirmed, I would faithfully apply all relevant precedent of the United States Supreme Court and the United States Court of Appeals for the Fifth Circuit concerning the use of legislative history.

15. 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>3</sup>

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<sup>3</sup> Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

- a. What do you attribute this to?

Response: I am not familiar with the study and its findings, but believe that no one should be discriminated against based on race. If confirmed, I will treat everyone equally and with respect. As a judicial nominee, it would not be appropriate for me to further comment on this policy matter. *See* Code of Conduct for United States Judges, Canon 5.

16. 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>4</sup>

- a. What do you attribute this to?

Response: Please see my response to Question 15.

17. 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: All participants in the criminal justice system, especially judges, should strive to eliminate bias and race discrimination consistent with their duties and applicable laws and rules.

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

Response: Yes; no one should be excluded from work in the judicial branch based on race, ethnicity, sex, religion, or any other protected characteristic.

19. 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

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<sup>4</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).

- e. Firearms
- f. Immigration
- g. Same-sex marriage
- h. Miscegenation
- i. Participation of transgender people in sports
- j. Service of transgender people in the U.S. military
- k. Racial discrimination
- l. Sex discrimination
- m. Religious discrimination
- n. Disability discrimination
- o. Climate change or environmental disasters
- p. “DEI” or Diversity Equity and Inclusion

Response to Question 20.a–p.: To the best of my recollection, I have not published written material or made any public statements related to the above topics, excluding court filings in my work as a lawyer for a client. Out of an abundance of caution, I note that I co-authored a working paper concerning FERC’s proposed draft greenhouse gas rule, which may be considered to concern climate change. The citation for that paper is Kasdin Mitchell & Rex Manning, *Greenhouse Gases, Natural Gas, and the D.C. Circuit: One Agency’s Struggle to Balance the Three*, Washington Legal Foundation, Critical Legal Issues: Working Paper Series (No. 225, Sep. 2022). I disclosed and supplied a copy of this paper as part of my Senate Judiciary Questionnaire. The answers that I provided to the Senate Judiciary Questionnaire disclose all of my publications and public statements.

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

Response: I have not studied this issue in detail. My general understanding is that a federal Executive Branch official who is a party to a case is bound by a court order in that case unless and until the order is reversed or vacated on appeal or otherwise is no longer in effect. I am generally aware of narrow circumstances where it may be appropriate for a party to fail to follow a court order, such as when a contempt proceeding is necessary to effectuate an immediate appeal, as the United States Supreme Court recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100 (2009).

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

Response: If confirmed and faced with this issue, I would consider all the circumstances and applicable laws to determine whether to stay or defer the party’s obligation to comply with a judicial order, *see, e.g.*, Fed. R. Civ. P. 62, to issue sanctions, or to institute contempt proceedings. The legal analysis would vary depending on whether the issue concerns civil or criminal contempt and whether contempt was sought by a party or sua sponte by the Court. I would follow binding precedent from the United States Supreme Court and United States Court of Appeals

for the Fifth Circuit as to the relevant standard, factors, and considerations. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on hypothetical fact patterns or matters that are the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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

Response: Please see my response to Question 20.

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

Response: Setting aside prosecutorial discretion, the United States Supreme Court has held that there are certain circumstances in which a President has the legal right not to enforce certain laws or provisions thereof. *See, e.g., Zivotofsky v. Kerry*, 576 U.S. 1 (2015). Beyond that, as a judicial nominee, it would not be appropriate for me to comment further because this issue is the subject of pending litigation and political debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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

Response: As a judicial nominee, it would not be appropriate for me to comment on the scope of Presidential power, which is the subject of pending litigation and political debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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

Response: Please see my answer to Question 22.

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

Response: As the United States Supreme Court has explained, “[t]he Supremacy Clause supplies a rule of decision when federal and state laws conflict. It provides that the ‘Constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law of the Land ... any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.’ Art. VI, cl. 2. So, for example, when a regulated party cannot comply with both federal and state directives, the Supremacy Clause tells us the state law must yield.” *Martin v. United States*, 605 U.S. 395, 409 (2025).

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

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

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

Response: The United States Supreme Court has held that Congress may delegate powers to federal agencies so long as Congress supplies an “‘intelligible principle’ to guide what it has given the agency to do.” *Federal Communications Comm’n v. Consumers’ Research*, 606 U.S. 656, 673 (2025).

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

Response: Yes. Although it is generally not appropriate for a judicial nominee to comment on the merits of the binding precedents of the United States Supreme Court, prior nominees have made an exception to this practice for *Brown v. Board of Education*, and I will join them.

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

Response: Yes. In *Griswold*, the United States Supreme Court invalidated a Connecticut statute forbidding the use of contraceptives.

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

Response: Yes. In *Lawrence*, the United States Supreme Court recognized a liberty right for adults to make private decisions about intimate relationships, including between members of the same sex, without criminal punishment by a state.

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

Response: Yes. In *Obergefell*, the United States Supreme Court held that Constitution confers a right on same-sex couples to enter into marriages on the same terms and conditions as opposite-sex couples.

31. 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: Based on the public certification of the votes of the state electors during the joint session of the 117th Congress, President Biden won the majority of the Electoral College votes and was sworn in and served as the 46th President of the United States. To the extent

this question seeks to elicit an answer that could be taken as commenting on the broader political or policy debate regarding the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election, is that it would not be appropriate for me as a judicial nominee to offer any comment. *See* Code of Conduct of United States Judges, Canons 3 & 5.

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

Response: Please see my response to Question 31.

- 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: Please see my response to Question 31.

32. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”<sup>5</sup>

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

Response: Yes. *See* U.S. Const. art. VI, cl. 2

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

Response: President Trump was certified as the winner of the 2016 election and thus was elected President as that word is used in the Twenty-Second Amendment.

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

Response: Please see my response to Question 32(b).

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

Response: President Trump was certified as the winner of the 2024 election and thus was elected President as that word is used in the Twenty-Second Amendment.

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

Response: Based on the certification of the votes of the state electors during the joint session of the 119th Congress, President Trump won the majority of the Electoral College votes.

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<sup>5</sup> U.S. CONST. amend. XXII.

- 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 to the United States Constitution provides, in relevant part, that “[n]o 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.”

33. 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.

34. 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.

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

Response: To the best of my knowledge, I have not spoken or corresponded with any member of the Department of Government Efficiency since November 2024 in their capacity as a member of that department. However, one of my former co-clerks and one of my former colleagues were previously employed by DOGE. I have spoken with those friends in person and by phone on occasion over the course of the past two years, unrelated to their work at DOGE.

36. 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.

37. 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: Yes. Chad Mizelle is a personal friend with whom I have spoken in person and by phone on several occasions since November 2024 related to personal matters and client work, which I cannot disclose.

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

Response: No.

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

Response: No.

40. 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.

41. 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: To the best of my recollection, no. I may have met him a social occasion on an earlier date.

42. 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: To the best of my knowledge, no.

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

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

Response: No as to all.

44. 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: In the summer of 2017, I was a John Marshall Fellow at the Claremont Institute, where John Eastman was an instructor. I likely spoke with him during the fellowship, but I do not recall the content of any discussions. As we are both former law clerks to Associate Justice Clarence Thomas on the United States Supreme Court, I have interacted with him on a few occasions throughout the years at clerk gatherings. I do not recall the dates or content of any conversations with any specificity.

45. 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.

46. 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>6</sup>

- a. Do you agree with the above statement?

Response: As a judicial nominee, it would not be appropriate for me to comment on matters of political debate or on statements by public figures. *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: Not to my knowledge.

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

Response: I did not speak with anyone in the Trump Administration or affiliated with the Senate Republicans regarding the cases I listed on my Senate Judiciary Questionnaire.

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

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<sup>6</sup> <https://www.article3project.org/about>

Response: Please see my response to Question 47.

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

Response: Please see my response to Question 47.

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

Response: I personally prepared a draft response to these questions after consulting my records, legal precedent, and responses addressing similar questions submitted by other judicial nominees. After receiving limited feedback from the Office of Legal Policy at the United States Department of Justice, I finalized my answers based on my own judgment and authorized the answers to be submitted to the Senate Judiciary Committee.

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

**June 10, 2026**

**Questions for Kasdin M. Mitchell (U.S. District Court for the Northern District of Texas):**

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 do not have any firsthand knowledge of the election results in this particular state or know where to find the answer reliably.

- 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 response 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 response 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 response 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 response 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 response 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: As stated, I do not have any firsthand knowledge of the election results in any of the states listed above. In keeping with the position of prior judicial

nominees, it would not be appropriate for me to comment on political or policy debates regarding the integrity of any election, including the 2020 presidential election. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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, it is appropriate for me to comment only on the legal process, set forth in the Constitution, by which a candidate “shall be the President” of the United States. U.S. Const. art. I, § 1.

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: In keeping with the position of prior judicial nominees, it would not be appropriate for me to comment on political or policy debates regarding the integrity of any election, including the 2020 presidential election. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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: In keeping with the position of prior judicial nominees, it would not be appropriate for me to comment on political or policy debates regarding the integrity of any election, including the 2020 presidential election. *See* Code of Conduct for United States Judges, Canons 3 & 5.

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: In keeping with the position of prior judicial nominees, it would not be appropriate for me to comment on the decision making of other judges or on political or policy debates regarding the integrity of any election, including the 2020 presidential election. *See* Code of Conduct for United States Judges, Canons 3 & 5.

- 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 response 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 United States Supreme Court has held that the liberty component of the Due Process Clause of the Fourteenth Amendment protects a right to privacy. *See, e.g., Griswold v. Connecticut*, 381 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Lawrence v. Texas*, 539 U.S. 558 (2003).

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

Response: *Griswold v. Connecticut* is a decision of the United States Supreme Court that, if I am confirmed, would be binding on me as a district court judge. I would faithfully apply *Griswold* and all binding precedent.

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 judges for whom I clerked—Justice Clarence Thomas on the United States Supreme Court and Chief Judge William Pryor on the United States Court of Appeals for the Eleventh Circuit—are foundational to my judicial philosophy. Both Justice Thomas and Chief Judge Pryor faithfully uphold their judicial oath. As their law clerk, I saw them decide cases based on what the law requires, regardless of their personal policy preferences. They both instilled in me the greatest respect for the judiciary and taught me the importance of doing the hard work to find the right answer under the law.

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: If confirmed, I will faithfully apply all precedent of the United States Supreme Court and the United States Court of Appeals for the Fifth Circuit, including as it relates to the referenced issues.

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: Yes; no one should be excluded from work in the federal judiciary based on race, ethnicity, sex, religion, or any other protected characteristic.

- 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: Yes.

- 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: I have not developed my clerkship hiring criteria or application process but, if confirmed, I hope to receive applications from many interested candidates.

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

Response: If confirmed, I will ensure that no one I employ is discriminated against based on race, ethnicity, sex, religion, or any other protected characteristic.

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: No.

- 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: I am not.

- 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: If confirmed and faced with this issue, I would faithfully and impartially apply binding precedent and applicable laws without regard to politics.

- 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: If confirmed, I will treat all litigants who appear before me impartially and with respect. I also would be bound by the decision of the United States Court of Appeals for the Fifth Circuit in *United States v. Varner*, 948 F.3d 250 (5th Cir. 2020).

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

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: The judicial oath requires judges to “administer justice without respect to persons,” 28 U.S.C. § 453, meaning that each party should receive a fair adjudication under the law.

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

Response: A federal judge may stay or defer the party’s obligation to comply with a judicial order, *see, e.g.*, Fed. R. Civ. P. 62, or employ certain tools available to federal district courts to enforce their orders, such as sanctions or 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 have maintained private social media accounts to communicate with friends and family. I have disclosed all responsive materials through my Senate Judiciary Questionnaire.

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: I deactivated one private social media account to protect my family's privacy. I do not recall changing any of the settings on my other accounts, which have, to the best of my memory, always had privacy features in place.

18. Your questionnaire lists membership in the Teneo Network, a Leonard Leo-funded organization that does not publicly disclose its members and whose co-founder has described designing the group's public materials to avoid drawing the attention of Senate staff during confirmations.

- a. Please describe in full the nature and extent of your involvement with Teneo, including any leadership roles, events attended, and any role the organization or its members played in your nomination.

Response: I have been a member of Teneo since 2013 and occasionally attend educational and networking programming. I have not held any leadership roles. To the best of my knowledge, Teneo played no role in my nomination.

**Senator Peter Welch**  
**Senate Judiciary Committee**  
**Written Questions for Kasdin Mitchell**  
**Hearing on “Nominations”**  
**June 10, 2026**

1. You coauthored a Supreme Court amicus brief in January 2013 on behalf of the State of Alabama in *Shelby County v. Holder* (2013). In the brief, you argued that the preclearance requirement of Section 5 of the Voting Rights Act “undermines state sovereignty.” Congress most recently reauthorized the Voting Rights Act in 2006 with an overwhelming majority in the House and unanimously in the Senate. Please explain how, in your view, Congress’s clear congressional mandate conflicted with state sovereignty.

Response: The referenced legal position was in the context of my role as an advocate for a client, and the United States Supreme Court largely agreed with the arguments in the brief. *See Shelby County v. Holder*, 570 U.S. 529 (2013). Beyond that, as a judicial nominee, it would not be appropriate for me to comment on matters that are the subject of pending litigation and political debate. *See Code of Conduct for United States Judges*, Canons 3 & 5.

2. In *Calise v. Meta Platforms, Inc.*, you represented Meta (formerly Facebook) against claims of fraudulent third-party advertisements posted on Meta’s website in violation of Meta’s terms of service. Meta had allegedly been soliciting ad sales in China and providing training services and materials to China-based advertisers, despite knowing nearly thirty percent of these advertisers violated one or more of Meta’s ad policies.

- a. You argued on behalf of Meta that Section 230 of the Communications Decency Act should bar contract claims like the covenant of good faith and fair dealing. Please explain this argument you made and what you meant at the time.

Response: To the best of my recollection, I did not represent Meta in *Calise v. Meta Platforms, Inc.* Based on the case caption, it appears that Theodore J. Boutrous, Jr., of Gibson, Dunn & Crutcher LLP represented Meta in that case.

- b. As a matter of law, do you believe that Section 230 of the Communications Decency Act immunizes social media platforms from lawsuits that claim those companies violated their terms of service? Please explain.

Response: As a judicial nominee, it would not be appropriate for me to comment on the scope of Section 230, which is the subject of pending litigation and policy debate. *See Code of Conduct for United States Judges*, Canons 3 & 5. Further, given that I am currently representing Meta in litigation involving the scope and application of Section 230, I am unable to comment because doing so would implicate the attorney work product doctrine, attorney-client privilege, and duties of professional responsibility.

- c. Would you support the repeal of Section 230?

Response: As a judicial nominee, it would not be appropriate to comment on whether Congress should repeal Section 230 of the Communications Decency Act, which is a policy matter that is the subject of legal and political debate. *See* Code of Conduct for United States Judges, Canon 5.

- 3. You have been a member of the Teneo Network since 2013.

- a. Please describe what relationship, if any, you have with Leonard Leo.

Response: I do not have a relationship with Mr. Leo.

- b. Please list all events you have attended through the Teneo Network since joining the organization.

Response: I have been a member of Teneo since 2013 and do not have a record of all events I have attended. To the best of my recollection, I have attended two annual retreats, one state summit, and from time to time have attended holiday events, new member welcome receptions, and other educational, social, or networking events.

- c. How much money have you contributed to and/or fundraised for the Teneo Network since becoming a member?

Response: I have not participated in any fundraising efforts for Teneo. To the best of my recollection, my husband and I have contributed a total of approximately \$2,000 to \$3,000 to the organization over the last 13 years.

## Questions for the Record

### **Kasdin Mitchell – Nominee to the U.S. District Court for the Northern District of Texas Sen. Adam Schiff (D-CA)**

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

Response: I am not familiar with a legal definition of public corruption, but I understand that there are several sections of Title 18 of the United States Code that are used to prosecute public corruption.

- a. If one of your associates at Kirkland & Ellis colluded with a federal government official to give money to their friends, would you consider that public corruption?

Response: As a judicial nominee, it would not be appropriate for me to comment on a hypothetical set of facts that could be interpreted as foreshadowing how I might rule in a case that may come before me if I am confirmed.

2. In April 2025, President Trump announced that Kirkland & Ellis had reached an agreement with the Administration, along with several other firms to provide “pro bono and other free Legal services.”

- a. Did Kirkland & Ellis reach a deal for pro bono and free legal services with the Trump Administration?

Response: I was not involved in any negotiations between Kirkland & Ellis and the Trump Administration. My understanding is that the firm reached an agreement with the Administration to continue to provide substantial pro bono services on a non-partisan basis.

- b. As a partner, did you have any input or insight into Kirkland & Ellis’s decision to make a deal with the Trump Administration?

Response: I did not.

- c. What was the value of the pro bono or other free legal services that Kirkland & Ellis agreed to provide to the Trump Administration?

Response: I was not involved with and do not know the specifics of the agreement.

- d. Why did Kirkland & Ellis enter this deal with the Administration?

Response: I was not involved in the firm’s decision-making process.

- e. Is Kirkland & Ellis currently providing free legal services for the Trump Administration?

Response: I do not know.

- f. What are the subjects of those free legal services?

Response: Please see my response to the previous question.

- g. For which federal agencies is Kirkland & Ellis performing free legal services?

Response: Please see my response to the previous question.

- h. Would you agree that your partnership at Kirkland & Ellis, and Kirkland & Ellis' agreement to provide free legal services to the Trump Administration, contributed to your nomination?

Response: To the best of my knowledge, the firm had no involvement in my nomination.

3. Have you represented any clients in private practice or public service who argued they were the subject of "weaponization" or "lawfare" by the federal government? If so, please list the client name, time frame of your representation, forum where they made this argument, and a summary of their claim of "weaponization" or "lawfare."

Response: To the best of my knowledge, no.

4. Which of the two general election candidates lost the 2020 election?

Response: Based on the public certification of the votes of the state electors during the joint session of the 117th Congress, President Biden won the majority of the Electoral College votes and was sworn in and served as the 46th President of the United States.

5. If confirmed, will you commit to not accepting gifts or favors from corporate entities, regardless of whether or not they have business before your court?

Response: If confirmed, I will follow all applicable laws and rules governing federal judges.

- a. If not, will you commit to reporting the gifts you accept?

Response: Please see my response to the previous question. Further, I will file complete and accurate financial disclosure reports that include all required information about my financial interests and activities.

6. If confirmed, if you received a gift from an individual or entity while they did not have business before the court, would you recuse yourself from any case or controversy involving the individual or entity you received the gift from?

Response: Please see my response to Question 5.

7. In August 2023, you joined a letter with other former clerks of Supreme Court Justice Clarence Thomas in which you implied concerns about Justice Thomas' ethical conduct are not part of his "actual story."

- a. Do you believe the public has an interest in ensuring federal judges abide by established ethical canons?

Response: Federal judges should abide by applicable laws and rules that govern their conduct. If confirmed, I would abide by the ethical canons in the Code of Conduct for United States Judges as well as all other applicable laws governing the conduct of federal district court judges.

- b. In your letter, you described criticism of Justice Thomas' unethical behavior as part of a "larger attack on the Court and its legitimacy as an institution." Do you agree that unethical or corrupt behavior by federal judges undermines the legitimacy of federal courts?

Response: Please see my response to the previous question.

8. In your Senate Judiciary Committee Questionnaire, you mentioned you are a member of the Teneo Network, a group founded by conservative legal activist Leonard Leo.

- a. How many times have you met Leonard Leo?

Response: I cannot recall whether or how many times I have met Mr. Leo.

- b. Leo has stated he hoped to use the Teneo Network to "crush liberal dominance." Do you agree with founder Leonard Leo's goal of "crushing liberal dominance"?

Response: I do not believe Mr. Leo founded Teneo. In any event, as a judicial nominee, it would not be appropriate for me to comment on matters of political debate or public statements by others.

- c. Would you agree that your membership in the Teneo Network contributed to your nomination?

Response: No. To the best of my knowledge, Teneo was not involved in my nomination.

- d. If confirmed as a judge, would you consider "crushing liberal dominance" to be part of your responsibilities?

Response: No.

- e. How can we be sure your membership in the Teneo Network will not influence your decisions, if confirmed?

Response: If confirmed, I would not advocate for any particular outcome, but would faithfully and neutrally apply the law. I am very grateful to have received support from many attorneys of a variety of political and ideologically leanings who spoke to my reputation for fairness, integrity, and professionalism.

- 9. Ms. Mitchell, in 2017, you were appointed a John Marshall Fellow at the Claremont Institute.

- a. How did your experience at the Claremont Institute assist you in your legal career?

Response: The educational and networking programming as a John Marshall Fellow was valuable, but the Claremont Institute has not been involved in my legal career, as by the time I served as a John Marshall Fellow, I had already completed my clerkships and received an offer to work at Kirkland & Ellis LLP, where I have worked since 2017.

- b. Are you still affiliated with the Claremont Institute? Why or why not?

Response: My only affiliation with the Claremont Institute was as a John Marshall Fellow, for one week in the summer of 2017.

- c. In an essay published by the Claremont Institute, President Trump's Office of Management and Budget Director, Russell Vought, argued that President Thomas Jefferson's threat to disobey an order by the Supreme Court precedent *Marbury v. Madison* gives us "a glimpse of the posture that prevents encroaching powers." Do you agree it is appropriate for Presidents to threaten to defy court orders?

Response: As a judicial nominee, it would not be appropriate for me to comment on matters of political debate or public statements by others related to the threatened defiance of court orders. *See* Code of Conduct for United States Judges, Canon 5.

- d. Do you believe a President can legally defy a court order?

Response: I have not studied this issue in detail. My general understanding is that, like any party to a case, the President would be bound by a court order in that case unless and until the order is reversed or vacated on appeal or otherwise is no longer in effect. I am generally aware of narrow circumstances where it may be appropriate for a party to fail to follow a court order, such as when a contempt proceeding is necessary to effectuate an immediate appeal, as the United States Supreme Court recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

If so, when can a President defy a court order?

Response: Please see my response to the previous question.

- e. If confirmed, how would you respond if a President defied one of your court orders?

Response: If confirmed and faced with this issue, as a general matter I would consider all the circumstances and applicable laws to determine whether to stay or defer the party's obligation to comply with a judicial order, *see, e.g.*, Fed. R. Civ. P. 62, or to employ certain tools available to federal district courts to enforce their orders, such as sanctions or contempt proceedings. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on hypothetical cases or matters that are the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 3 & 5.

10. During your confirmation hearing, you refused to engage with a hypothetical posed by Senator Kennedy regarding whether a police officer could be liable for shooting a fleeing suspect in the back. You stated you had "principally practiced in civil law" and had not encountered "that specific fact pattern."

- a. If confirmed, you will likely preside over criminal cases. How will you approach those cases, or other cases involving areas of the law with which you are unfamiliar?

Response: I respectfully disagree with the characterization of my response; though I did not think it was appropriate to engage in the specific hypothetical that Senator Kennedy posed because those facts may come before me if I am confirmed as a judge, I identified the applicable legal standard that would apply to determine whether the officer would be subject to qualified immunity.

If I am confirmed and faced with areas of law of which I am unfamiliar, I will familiarize myself with the applicable laws and precedent, together with the arguments raised by the parties, to prepare myself to render a decision under the law. In my private practice, while working for the Alabama Attorney General, and as a law clerk, I have confronted a wide variety of issues, some of which I had not previously encountered, and I have taken the time and made the commitment to master that area of the law so that I could best represent my client or advise the judge for whom I was clerking. I would bring that same work ethic and commitment to my work as a judge, if I am confirmed.

11. In a brief opposing certiorari in *Stuart Force, et al., v. Facebook*, you argued Section 230 of the Communications Decency Act barred a lawsuit against Facebook in which petitioners alleged Facebook provided material assistance to Hamas.

- a. Do you understand Section 230 to immunize social media companies from all lawsuits based on the content of materials posted to their platforms?

Response: As a judicial nominee, it would not be appropriate for me to comment on the scope of Section 230, which is the subject of pending litigation and policy debate. *See* Code of Conduct for United States Judges, Canons 3 & 5. Further, given that I am currently representing Meta in litigation involving the scope and application of Section 230, I am unable to comment because doing so would implicate the attorney work product doctrine, attorney-client privilege, and duties of professional responsibility.

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

Response: I have not studied this issue in detail. My general understanding is that a federal prosecutor who is a party to a case is bound by a court order in that case unless and until the order is reversed or vacated on appeal or otherwise is no longer in effect. I am generally aware of narrow circumstances where it may be appropriate for a party to fail to follow a court order, such as when a contempt proceeding is necessary to effectuate an immediate appeal, as the United States Supreme Court recognized in *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

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

Response: If confirmed and faced with this issue, I would consider all the circumstances and applicable laws to determine whether to stay or defer the party's obligation to comply with a judicial order, *see, e.g.*, Fed. R. Civ. P. 62, or to employ tools available to federal district courts to enforce their orders, such as sanctions or contempt proceedings. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on hypothetical cases or matters that are the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 3 & 5.

13. In an amicus brief submitted for the state of Alabama in *Shelby County v. Holder*, you stated the effects of the "tragic events of 1965," which included the violence inflicted on protestors during the "Bloody Sunday" March from Selma to Montgomery, have "now, thankfully, faded away."

- a. Why do you believe the effects of these events have faded away?

Response: The referenced quotes are from a brief submitted in the course of my role as an advocate for a client. As a judicial nominee, it would not be appropriate for me to comment on the scope of and policy justifications for the Voting Rights Act, which are the subject of pending litigation and policy debate. *See* Code of Conduct for United States Judges, Canons 3 & 5.

- b. Do you still hold this belief?

Response: Please see my response to the previous question.

14. One year after you completed your clerkship for Justice Clarence Thomas, Justice Thomas argued in *Gamble v. United States* that the Supreme Court should overrule “demonstrably erroneous” precedent, regardless of whether “other factors support overruling the precedent.” This represents a significant departure from the modern understanding of the principle of *stare decisis*.

- a. Do you agree with Justice Thomas that the court should not consider *stare decisis* when faced with a “demonstrably erroneous” precedent?

Response: If confirmed as a district court judge, I would faithfully apply all binding precedent and would have no authority to overrule precedent of the United States Supreme Court.

- b. If confirmed, how would you determine whether a precedent is “demonstrably erroneous”?

Response: Please see my response to the previous question.

- c. If confirmed, will you faithfully apply the principle of *stare decisis*?

Response: Yes.