

**Senator Dick Durbin**  
**Ranking Member, Senate Judiciary Committee**  
**Written Questions for Antonio M. Pozos**  
**Nominee to be U.S. District Judge for the Eastern District of Pennsylvania**  
**June 17, 2026**

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

**Response:** Under the process specified by the Constitution and federal law, Congress certified Joseph R. Biden as the winner of the 2020 election, and he served as the 46th President of the United States.

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

**Response:** Philadelphia and Bryn Mawr, Pennsylvania.

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

**Response:** As I stated in my testimony, I understand from public reporting that trespass and violence occurred at the Capitol, and I denounce violence against law enforcement and participants in the political process. As a judicial nominee, however, it would not be appropriate for me to comment on matters of political controversy, and which are or may be the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** Article II, Section 2 of the U.S. Constitution sets forth the pardon power. The exercise of that power is committed to the President in his discretion. Under the Code of Conduct for United States Judges, it would be inappropriate for me to comment on the President's exercise of his authority because these issues are the subject of political controversy, and are or may be the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

**5. 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:** Litigants who disagree with a court order must generally comply with the order, and either seek reconsideration of the order, request a stay of the order, or seek appellate review. Certain types of interlocutory orders, including orders involving privilege, may be appealed after incurring sanctions or being found in contempt. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.”).

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

**Response:** Generally, litigants must follow lower court orders. If a litigant disagrees with a court order, it must comply or seek review of the order as described in response to Question 5(a) above.

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

**Response:** The Judicial Branch is responsible for determining whether a federal court order is lawful.

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

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

**Response:** In *Trump v. CASA, Inc.*, the Supreme Court found that: “A universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power.” 606 U.S. 831, 841 (2025). If I am fortunate enough to be confirmed, I would follow all binding Supreme Court and Third Circuit precedent, including the Supreme Court’s decision in *Trump v. CASA*.

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

**Response:** Please see my response to Question 6(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 6(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 any instance in which I have sought a non-party injunction.

7. **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.

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

**Response:** The Twenty-Second Amendment to the U.S. Constitution provides, in relevant part: “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.” U.S. Const., Amend. XXII, Sec. 1.

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

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

**Response:** As a judicial nominee, it would not be appropriate for me to comment a political issue or a statement by a political figure regarding litigation. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** Please see my response to Question 9(a).

10. 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>2</sup> and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”<sup>3</sup>

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

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

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

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

**Response:** Please see response to Question 9(a).

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

**Response:** Please see response to Question 9(a).

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

**Response:** I understand that, if I am fortunate enough to be confirmed, I may be subject to public criticism, including through posting my picture on social media. Consistent with the Code of Conduct for United States Judges, I would not be affected by “partisan interests, public clamor, or fear of criticism.” *See* Code of Conduct for United States Judges, Canon 3(A)(1).

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

**Response:** Lower courts may not depart from precedents of the Supreme Court.

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

**Response:** As a nominee to the district court, if I am fortunate enough to be confirmed, I would be bound by the precedents of the Third Circuit. A prior precedential opinion of the Third Circuit can only be overruled by the U.S. Supreme Court or by the Third Circuit itself sitting *en banc*. *See* 3d Cir. IOP 9.1 (Policy of Avoiding Intra-circuit Conflict of Precedent).

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

**Response:** As a nominee to the district court, if I am fortunate enough to be confirmed, I would be bound by the precedents of the Supreme Court. In *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), the Supreme Court provided five considerations it undertakes when reviewing its prior precedent.

**14. 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:** The decisions listed in Question 14 are binding Supreme Court precedent which I would apply fully and faithfully if I am fortunate enough to be confirmed. As a general matter, as a judicial nominee, it would not be appropriate for me to “grade” particular decisions of the Supreme Court, or otherwise opine on whether those decisions were correctly decided. Consistent with the exceptions to that general rule and tradition established by prior nominees, however, *Brown v. Board of Education* and *Loving v. Virginia* were correctly decided.

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

**Response:** In all matters, I would be bound by, and look to, the precedents established by the Supreme Court and the Third Circuit. In the absence of binding precedent, ascertaining the original public meaning of a Constitutional provision is a well-established method of analysis. *See, e.g., New York State Rifle & Pistol Ass’n. v. Bruen*, 597 U.S. 1 (2022); *Crawford v. Washington*, 541 U.S. 36 (2004).

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

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

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

**Response:** The U.S. Supreme Court recognized a constitutional right to same sex marriage in *Obergefell v. Hodges*, 576 U.S. 644 (2015). If confirmed as a district judge, I would follow all binding Supreme Court precedents including *Obergefell*.

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

**Response:** The U.S. Supreme Court recognized a constitutional right to marry persons of a different race in *Loving v. Virginia*, 388 U.S. 1 (1967). If confirmed as a district judge, I would follow all binding Supreme Court precedents including *Loving*.

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

**Response:** In relevant part, the Fourteenth Amendment 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.” U.S. Const., Amend. XIV, Sec. 1. If confirmed as a district court judge, I would follow binding Supreme Court and Third Circuit precedent regarding the Equal Protection and Due Process clauses.

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

**Response:** The Supreme Court has applied these clauses in many cases, including *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), *Obergefell v. Hodges*, 576 U.S. 644 (2015), and *United States v. Virginia*, 518 U.S. 515 (1996). If I am fortunate enough to be confirmed, I would follow all binding Supreme Court and Third Circuit precedent regarding the Equal Protection and Due Process clauses.

**21. 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 15.

**22. 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 15. In as much as this question calls for a response that could be viewed as expressing an opinion on political issues or potential or pending litigation, as a judicial nominee, it would not be appropriate for me to provide such an answer. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** Under the First Amendment: “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” U.S. Const., Amend. I. The Supreme Court and the Third Circuit have interpreted the various provisions of the First Amendment in numerous cases, and, if I confirmed, I would fully and faithfully apply all relevant First Amendment precedent from the Supreme Court and the Third Circuit.

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

**Response:** The Supreme Court has addressed the question of whether restrictions are “content-based” or “content-neutral” in many cases, including recently in *TikTok Inc. v.*

*Garland*, 604 U.S. 56 (2025), *City of Austin v. Reagan Nat'l Advertising of Austin*, 596 U.S. 61 (2022), and *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), among other cases. "Content-based laws" are "those that target speech based on its communicative content," *TikTok*, 604 U.S. at 67, while "content-neutral" restrictions generally include time, place or manner restrictions, *City of Austin*, 596 U.S. at 69. If confirmed, I would apply all applicable Supreme Court and Third Circuit precedent to determine whether a law is "content-based" or "content-neutral."

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

**Response:** "True threats are 'serious expression[s]' conveying that a speaker means 'to commit an act of unlawful violence.'" *Counterman v. Colorado*, 600 U.S. 66, 74 (2023) (quoting *Virginia v. Black*, 538 U.S. 343, 359 (2003)). If confirmed, I would apply all applicable Supreme Court and Third Circuit precedent in any case involving the true threats doctrine.

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

**Response:** The Supreme Court held in *Zadvydas v. Davis* that "the Due Process Clause applies to all 'persons' within the United States." 533 U.S. 678, 693 (2001). If confirmed, I would follow all binding Supreme Court and Third Circuit precedent on this question. In as much as this question calls for a response that could be viewed as expressing an opinion on political issues or potential or pending litigation, as a judicial nominee, it would not be appropriate for me to provide such an answer. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** I understand that this issue is the subject of pending litigation. Accordingly, as a judicial nominee, it would not be appropriate for me to opine on this question. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6).

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

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

**Response:** This issue is currently pending before the United States Supreme Court. Accordingly, as a judicial nominee, it would not be appropriate for me to opine on this question. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6).

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

**Response:** Please see my response to Question 28(a).

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

**Response:** Well-qualified individuals from all backgrounds should have the opportunity to serve on the federal bench, and no one should be excluded from serving as a judge because of race, ethnicity, sex, religion, or any other protected characteristic.

- 30.** 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:** If confirmed, my role would be to apply the First Step Act, and all decisions of the Supreme Court and the Third Circuit regarding the First Step Act, faithfully and impartially.

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

**Response:** Yes, I commit to fully and fairly considering all applicable laws and precedents that govern criminal sentencing.

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

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

**Response:** I am not familiar with this quotation, and do not know what values the Federalist Society is referring to by referencing “traditional values.”

- 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>4</sup>**

- 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:** As a judicial nominee, it would not be appropriate for me to provide a response that could be viewed as expressing an opinion on political issues, statements made by individuals in one of the political branches, or potential or pending litigation. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

- 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 31(b)(i).

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

**Response:** I do not currently have any plans to resign from the Federalist Society. If I am confirmed, I will evaluate my participation in 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 such affiliations and memberships.

- 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 Mr. Leo, Mr. Calabresi, or any known employees of the Federalist Society during my selection process.

The scope of the phrase “associated with” is unclear. The Federalist Society is a nationwide organization with thousands of current and former members, including myself. I have discussed my nomination with family, friends and colleagues who may be current or former members of the Federalist Society. Additionally, as noted in my Senate Judiciary Questionnaire, I interviewed with the Judicial

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

Nominating Commission for the Eastern District of Pennsylvania in February 2026. The individuals on the Commission were appointed by Senator David McCormick and Senator John Fetterman. I believe some of them may be current or former members of the Federalist Society as well.

- 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:** To the best of my recollection, I have not.

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

**Response:** No.

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

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

**Response:** To the best of my knowledge, no.

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

**Response:** No.

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

**Response:** No.

- 33.** 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:** 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.

- 34.** 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:** 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.

- 35.** 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:** 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.

**36.** 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:** 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.

**37.** 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:** 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.

38. 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:** 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 am not aware of any outside groups or special interests making donations of any kind, disclosed or undisclosed, in support of my nomination. If confirmed, I would not consider any advocacy for or against my nomination as part of my decision-making as a judge. In as much as this question asks whether I believe such donations should be public as a matter of policy, as a judicial nominee, it would be inappropriate for me to address such policy questions.

- 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:** If confirmed, I would analyze all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States

Judges, and any and all other applicable laws, rules, and practices. In as much as this question asks whether I believe such donations should be public as a matter of policy, as a judicial nominee, it would be inappropriate for me to address such policy questions.

- 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 Questions 38(d)-(e).

**Nomination of Antonio Pozos**  
**Nominee to the U.S. District Court for the Eastern District of Pennsylvania**  
**Questions for the Record**  
**Submitted June 17, 2026**

**QUESTIONS FROM SENATOR WHITEHOUSE**

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

1. Have 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:** The Federalist Society is a nationwide organization with thousands of current and former members, including myself. I have discussed my nomination with family, friends and colleagues who may be current or former members of the Federalist Society. Additionally, as noted in my Senate Judiciary Questionnaire, I interviewed with the Judicial Nominating Commission for the Eastern District of Pennsylvania in February 2026. The individuals on the Commission were appointed by Senator David McCormick and Senator John Fetterman. I believe some of them may be current or former members of the Federalist Society as well.

c. Carrie Severino?

**Response:** No.

d. Mike Davis?

**Response:** No.

e. Anyone affiliated with The Article III Project?

**Response:** To the best of my knowledge, no.

**Nomination of Antonio Pozos  
to the United States District Court for the Eastern District of Pennsylvania  
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:** The Senate's role to advise and consent on judicial nominations by the President is an integral part of our Constitutional system, and I trust the Senate will carefully consider the qualifications of the judicial nominees who come before it.

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

**Response:** Yes.

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

**Response:** Yes.

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

**Response:** The Office of Legal Policy forwarded these questions to me on June 17, 2026. I prepared draft responses based on my review of the questions, my memory, my personal records, and after reviewing answers provided by prior judicial nominees. I shared my draft with members of the Office of Legal Policy, and after considering their feedback, prepared these final responses. These answers are my own, and I authorized the Office of Legal Policy to transmit them to the Committee on my behalf.

- 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:** Responding with verbatim answers of previous nominees may be appropriate if the nominee believes that such answers are correct and complete.

- 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:** With the exceptions of short answers, such as “yes” or “no” answers, to the best of my knowledge, my answers to these questions are not exact duplicates of prior nominees’ 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:** Earlier in my career, I was fortunate to clerk for the Honorable Anthony J. Trenga, United States District Judge for the Eastern District of Virginia. In addition to being an outstanding teacher and mentor, Judge Trenga held himself to the highest ethical standards in matters large and small, personal and official. If confirmed, it would be an honor to follow his example.

- 6. How would you describe your judicial philosophy?

**Response:** As a nominee to the district court, if confirmed, I would be bound by, and first look to, the precedents established by the Supreme Court and the Third Circuit. In the absence of binding precedent applicable to the case at bar, I would apply applicable methods of judicial analysis contemplated by the Supreme Court and the Third Circuit, including textualism and originalism.

- 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 be bound by, and first look to, the precedents established by the Supreme Court and the Third Circuit involving substantive due process. In the absence of binding precedent applicable to the case at bar, my understanding is that the operative test for determining whether a right is fundamental under the Fourteenth Amendment is whether the right is “deeply rooted in this Nation’s history and tradition” and “implicit in the concept of ordered liberty.” See *Washington v. Glucksberg*, 521 U.S. 702 (1997); *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022).

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

**Response:** Yes, subject of course to binding precedent from the Supreme Court and the Third Circuit.

- 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:** Please see my response to Question 7. I would consult the sources identified by precedent from the Supreme Court and Third Circuit.

- 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 look to decisions from other circuits for persuasive authority in the absence of controlling Supreme Court or Third Circuit precedent.

- 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 factors identified by precedent from the Supreme Court and the Third Circuit in the relevant area of the law.

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:** Identifying applicable precedent, including binding precedent of the Supreme Court and the Third Circuit, can be a highly fact-specific exercise. If confirmed, I would faithfully follow applicable binding precedent of the Supreme Court and the Third

Circuit. In the absence of binding authority, I would look to persuasive authority from other circuit or district courts.

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:** Congress certified President Trump as the winner of the 2016 and 2024 presidential elections. He has, therefore, been elected President twice.

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:** Under the hypothetical posed by this question, if Congress were to certify President Trump as the winner of the 2028 presidential election, that would be the third occasion on which he would be elected to the office of the President.

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

**Response:** Under the Twenty-Second Amendment, “[n]o person,” including President Trump, “shall be elected to the office of the president more than twice.” U.S. Const., Amend. XXII, Sec. 1.

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

**Response:** Under the Twelfth Amendment, “[t]he person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed.” U.S. Const., Amend. XII. Accordingly, when Congress counts the votes cast by the Electors and certifies the election, the person with the greatest number of votes, if a majority, becomes the President by operation of the Constitution, which is the supreme law of the land.

11. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you who won the 2020 election. You echoed your fellow nominee Michael Martin’s response that “as a matter of law, Joe Biden was the winner of the 2020 election.”

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

**Response:** Please see my response to Question 10.

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

**Response:** The Constitution and federal law set forth the process for electing the President of the United States. As a judicial nominee, it would not be appropriate for me to opine on political or policy debates characterizing the outcome of any election, including the 2020 presidential election, beyond those factors specified by the Constitution and federal law, or that are the subject of litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5.

- c. Senator Blumenthal then asked you who got more popular votes in the 2020 election. You replied, “with respect to the popular vote, my role as a nominee here is to speak to the law.” Senator Blumenthal then asked you who got more electoral college votes, and you replied, “my understanding is that Joseph Biden received more votes in the electoral college.” Why did you answer who got more electoral college votes but not who won the popular vote?

**Response:** Please see my answer to Question 11(b).

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

**Response:** After watching recordings of the questions posed to prior nominees on this topic, I considered what my answer might be if asked a similar question. As part of that process, I reviewed relevant portions of the Constitution, the Code of Conduct for United States Judges, and the answers of prior nominees. In addition, I also considered the views of my fellow nominees.

- 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.

- 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 statements by elected officials or political figures, matters of political controversy, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** Yes.

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

**Response:** Please see my answer to Question 12(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 answer 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 answer 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 answer 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 would analyze all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other applicable laws, rules, and practices. In relevant part, this would include complying with 28 U.S.C. § 455(a). I would also consult with colleagues and judicial ethics officials as appropriate.

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, if confirmed, I would impose supervision based on the facts of the case and applicable law, including 18 U.S.C. § 3553 and 18 U.S.C. § 3583.

- 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:** As an advocate in private practice representing criminal defendants, I have encountered situations in which individuals viewed the possibility of early termination favorably. As a judicial nominee, however, it would not be appropriate for me to comment on matters that may come before me if I am confirmed. *See* Code of Conduct of U.S. Judges, Canon 3.

- 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:** If confirmed, I would impose supervision based on the facts of the case and applicable law, and will review and remain up-to-date on developments in the applicable law and guidance from the Sentencing Commission.

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:** As a judicial nominee, it would not be appropriate for me to comment on matters of political controversy, that are the subject of litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** Yes.

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

**Response:** I would follow binding Supreme Court precedent, including *Saenz v. Roe*, 526 U.S. 489 (1999), and Third Circuit precedent, consider precedents and authorities identified by the parties, and the facts of the case.

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

**Response:** The United States Supreme Court recognized a constitutional right to privacy in the context of contraception in *Griswold v. Connecticut*, 381 U.S. 479 (1965). Other Supreme Court decisions have recognized a constitutional right to privacy in other contexts as well. *See, e.g., Lawrence v. Texas*, 539 U.S. 558 (2003). If confirmed, I would fully and faithfully apply all binding precedents of the Supreme Court and the Third Circuit, including *Griswold* and *Lawrence*.

- 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 (1965), the Supreme Court held that the Fourteenth Amendment protects the use of contraceptives. If confirmed, I would faithfully apply all binding Supreme Court precedent, including *Griswold*.

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

**Response:** As a nominee to the district court, if confirmed, I would be bound by, and first look to, the precedents established by the Supreme Court and the Third Circuit, regardless of the methods which those courts applied to reach their decisions. More

generally, the original public meaning of the words used in the Constitution provides important guidance to the courts about the meaning of the Constitution as adopted and ratified.

- 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:** In an appropriate case, and in the absence of binding precedent from the Supreme Court and the Third Circuit, I would look to the types of sources that the Supreme Court has relied upon, including contemporaneous dictionaries, judicial decisions, publications, legal treatises, legislation, state constitutions, and commentary such as the Federalist Papers. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008); *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022).

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

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

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

**Response:** If confirmed, I would expect parties to comply with my orders. I would analyze instances of potential non-compliance with an order under the applicable Federal Rules of Criminal Procedure and Civil Procedure, any otherwise applicable statutes, and binding precedent from the Supreme Court and Third Circuit. I also anticipate that I would invite briefing from the parties, and, if necessary, hold show cause hearing(s) to fully understand the positions of the parties and the posture of the case. As a judicial nominee, however, it would not be appropriate for me to prejudge fact-patterns of the type that could appear before me, if confirmed, under the Code of Conduct for United States Judges.

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

**Response:** I would analyze instances of potentially abusive litigation tactics under the applicable Federal Rules of Criminal Procedure and Civil Procedure, any otherwise applicable statutes, and binding precedent from the Supreme Court and Third Circuit. I also anticipate that I would invite briefing from the parties, and, if necessary, hold show

cause hearing(s) to fully understand the positions of the parties and the posture of the case. As a judicial nominee, however, it would not be appropriate for me to prejudge fact-patterns of the type that could appear before me, if confirmed, under the Code of Conduct for United States Judges.

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

**Response:** Please see my answer to Question 21.

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

**Response:** In general, the practical consequences of a particular ruling that is dictated by neutral application of the law and the facts in a case should not play a role in the court's decision, unless those practical consequences are relevant considerations under the applicable law.

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

**Response:** Judges must decide cases and controversies fairly and impartially, under binding precedent of the Supreme Court, binding circuit precedent, and the law as it is written, rather than based on their own personal views or feelings. Judges should endeavor to draw upon their training, experience and temperament to ensure that they maintain the discipline and intellectual rigor do so.

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

**Response:** Please see my answer to Question 23.

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

**Response:** As a federal prosecutor, I investigated and prosecuted a series of law enforcement corruption cases involving a Drug Enforcement Administration Special Agent and three Drug Enforcement Administration Task Force Officers for offenses involving narcotics distribution, robbery, firearms, obstruction of justice, perjury, falsifying records and conversion. Those cases are summarized in more detail in Section 17.4 of my Senate Judiciary Questionnaire. Ensuring the integrity of our justice system is critical to the rule of law on which our country is based, and I am proud of the work that I did to hold those who betray our justice system accountable.

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, given the importance of federal cases to the parties in litigation, I would not attempt to influence litigants' selection of counsel to perform particular tasks, including conducting oral arguments, in matters before me. I would, however, expect all counsel to be fully conversant in the law and the facts relevant to the issues before the court in all proceedings. Throughout my career, I have often observed that junior lawyers can be best-positioned to address certain issues with which they are more familiar than more senior lawyers on the same case team. And I would welcome oral arguments by young lawyers who are prepared to take on those responsibilities.

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

**Response:** If confirmed, I would take particular care to explain my rulings and reasoning in cases in which junior lawyers have served as advocates, so that they have feedback upon which to continue to develop their skills.

27. Discuss your proposed hiring process for law clerks.

**Response:** If confirmed, I would approach law clerk hiring by seeking out candidates based on merit, including their academic performance, intellectual curiosity, genuine and demonstrated interest in the law, work experience, writing and research skills, work ethic, and character. I would both solicit recommendations from other judges, lawyers and academics whom I respect, and consider candidates who apply directly for clerkships as I did.

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

**Response:** I understand that this topic is the subject of potential legislation and, as a judicial nominee, it would be inappropriate for me to comment under the Code of Conduct for United States Judges. If confirmed, however, I would treat law clerks under the same principles set forth in Title VII of the Civil Rights Act, and maintain chambers that are free from discrimination, harassment, or other misconduct.

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 clearly communicate my expectation that all clerks and chambers staff are treated with respect, require all clerks and chambers staff to agree in writing to these expectations, promptly address any issues that may arise, and take appropriate remedial and/or disciplinary steps as may be necessary. I would also consult with colleagues and court officials to understand the methods in place for preventing, reporting and addressing sexual harassment, discrimination, and other misconduct, implement those procedures in my chambers, and evaluate whether further steps are necessary.

- 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 answer 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 such a situation were to arise, I would immediately bring the matter to the attention of the Chief Judge for the District, and follow any processes and procedures set forth by the Eastern District of Pennsylvania, the Third Circuit, the Administrative Office of United States Courts, or other applicable 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:** As I stated in my testimony, I understand from public reporting that trespass and violence occurred at the Capitol, and I denounce violence against law enforcement and participants in the political process. As noted by prior nominees, however, “insurrection” has a legal meaning and significance under the Constitution, and debates surrounding that term have been a subject of political controversy and litigation. As a judicial nominee, it would not be appropriate for me to comment on matters of political controversy, that are the subject of litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

- 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:** Article II, Section 2 of the U.S. Constitution sets forth the pardon power. The exercise of that power is committed to the President in his discretion. Under the Code of Conduct for United States Judges, it would be inappropriate for me to comment on the President’s exercise of his authority because these issues are the subject of political controversy, and are or may be the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** Please see my response to Question 30.

32. You have previously worked on *False Claims Act* litigation, and at your hearing, you told Chairman Grassley that you were “very well aware of the challenges that this country faces from fraud and abuse and the important role that whistleblowers [under the *False Claims Act*] and others play in helping achieve justice and protect taxpayers from fraud.”

- a. Do you think the *qui tam* provision of the *False Claims Act* is constitutional?

**Response:** The constitutionality of the *qui tam* provisions of the *False Claims Act* is the subject of litigation in many courts around the country. As a judicial nominee, it would not be appropriate for me to provide further comment beyond my testimony, or opine on matters that are the subject of pending litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6).

- b. In September 2024, Judge Kathryn Mizelle of the U.S. District Court for the Middle District of Florida ruled that the *qui tam* provision of the *False Claims Act* was unconstitutional. Do you agree with Judge Mizelle’s ruling?

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

- c. If the *False Claims Act*’s *qui tam* provision is invalidated, would that make it easier or harder to combat fraud in government services and contracting?

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

33. In your Senate Judiciary Questionnaire, you note that you have only tried two cases to verdict, and you were co-counsel in both cases. How will you manage trials in the courtroom when you have so little experience conducting them yourself?

**Response:** If confirmed, I would draw on my almost 19 years of experience as a practicing attorney and judicial law clerk when managing trials.

Throughout my career in both private practice and in government, I have handled numerous motions, hearings and trials in both civil and criminal cases. In private practice, first as an associate at Cleary Gottlieb Steen & Hamilton and now as a partner at Faegre Drinker Biddle & Reath, I have taken and defended dozens of depositions, briefed and argued many dispositive motions, and represented clients, including my firm, in federal and state courts across the country.

As a Trial Attorney with the Criminal Fraud Section of the U.S. Department of Justice, as described in more detail Sections 17.1 and 17.2 of my Senate Judiciary Questionnaire, I tried two complex fraud cases involving over \$90 million in fraud against the U.S. Government. The investigations, pretrial motions, discovery proceedings, and trials spanned multiple years, and each trial lasted multiple weeks. In addition to those cases, I regularly appeared in court for detention, suppression, motions and sentencing hearings.

Finally, if I am confirmed, I would reflect on my experience clerking for the Hon. Anthony J. Trenga, and would consult with other judges regarding their experiences to understand their courtroom and trial practices.

I feel very lucky to have had such deep and broad courtroom experience in both complex criminal and civil cases in state and federal courts across the country, including in the Eastern District of Pennsylvania to which I have been nominated. I would be honored to bring my experience to the role if confirmed.

**Questions for the Record for Antonio Pozos**  
**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 would analyze all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other applicable laws, rules, and practices. In relevant part, this would include complying with 28 U.S.C. § 455(a). I would also consult with colleagues and judicial ethics officials as appropriate.

- 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:** If confirmed, I would analyze all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other applicable laws, rules, and practices. I would also consult with colleagues and judicial ethics officials as appropriate.

- 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:** If confirmed, I would recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm, Faegre Drinker Biddle & Reath LLP, represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of a conflict, on a case-by-case basis under 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other applicable laws, rules, and practices. I would also consult with colleagues and judicial ethics officials as appropriate.

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

**Response:** If confirmed, I would analyze all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other applicable laws, rules, and practices. I will recuse in any case where members of my family, who are practicing attorneys, represent a party. I would also consult with colleagues and judicial ethics officials as appropriate.

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 comply with all ethical rules and obligations applicable to 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:** If confirmed, I will follow the Code of Conduct for United States Judges and the applicable judicial canons on this topic, as well as all other applicable rules relating to gifts.

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

**Response:** If confirmed, I will follow the Code of Conduct for United States Judges and the applicable judicial canons on this topic, as well as all other applicable rules relating to travel, hospitality or entertainment.

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

**Response:** If confirmed, I will follow the Code of Conduct for United States Judges and the applicable judicial canons on this topic, as well as all other applicable rules relating to teaching, speaking or writing activities.

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

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

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

**Response:** The quoted text appears to be an excerpt from the Supreme Court's decision in *Ex parte Robinson*: "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). If confirmed, I will faithfully apply *Ex parte Robinson* and all binding precedent of the Supreme Court and the Third Circuit. As a judicial nominee, it would not be appropriate for me to comment further on issues that may come before me if confirmed as a judge. See Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

- 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).

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, if confirmed, I would have the ability to issue orders.

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

**Response:** Yes.

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

**Response:** Federal courts have a number of means to enforce their orders, including through orders to show cause, imposition of sanctions, civil and criminal contempt proceedings, disciplinary referrals, and criminal referrals. *See, inter alia*, 18 U.S.C. § 401, *et seq.* (contempts); *see also* Fed. R. Civ. P. 37(b) (discovery sanctions), Fed. R. Civ. P. 45(g) (subpoena non-compliance), Fed. R. Civ. P. 70(a) & (e) (enforcing a judgment for a specific act), Fed. R. Crim. P. 42 (criminal contempt).

- 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:** Litigants who disagree with a court order must generally comply with the order, and either seek reconsideration of the order, request a stay of the order, or seek appellate review. Certain types of interlocutory orders, including orders involving privilege, may be appealed after incurring sanctions or being found in contempt. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.”).

- 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 Question 5(b).

- d. What would make a court order unlawful?

**Response:** As a general matter, court orders may be unlawful if the court lacks the requisite personal or subject matter jurisdiction to issue an order, or the order is contrary to the Constitution or laws of the United States.

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

**Response:** Please see my response to Question 5(b).

- 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.

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

**Nomination Hearing**  
**Questions for the Record for Antonio Miguel Pozos**

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. You were quoted in the *Philadelphia Business Journal* as a 2020 Minority Business Leader, saying:

Our divisions are particularly acute when our communities lose faith in the legal system. That trust is particularly fragile when the composition of law enforcement, the bench, and the bar do not reflect the communities they serve. Supporting programs like the Stephen and Sandra Sheller Diversity Pipeline Program at Drexel University's Thomas R. Kline School of Law, where I serve on the board, help to bridge the gap, and are a critical long-term investment.

- a. **Is this an accurate quote?** If not, provide the accurate quote.

**Response:** Yes.

- b. **Do you still agree with this quote?** If not, explain what has changed in your view.

**Response:** I support identifying and encouraging talented young people from all backgrounds to consider careers in the legal profession, wherever that talent may be found in our country.

- c. Dozens of these pipeline programs have been challenged by the Trump Administration. **Has the pipeline program at Drexel University been affected by the current administration's attacks on Diversity, Equity, and Inclusion?**

**Response:** As a judicial nominee, it would not be appropriate for me to comment on matters of political controversy, and which are or may be the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

- d. **What specific actions have you personally taken to support the pipeline program at Drexel University since 2016?**

**Response:** I have not personally been involved in the administration or operation of the program referenced in the quote.

- e. **How much have you donated to support the pipeline program at Drexel University?**

**Response:** I have not donated to support any particular programs at Drexel University and instead have generally made annual donations to the Drexel University Thomas R. Kline School of Law during my time as a member of the Advisory Board.

- f. **How much have you donated to support other university diversity programs?**

**Response:** Please see my response to Question 2(e).

- g. **Is diversity in the classroom a compelling government interest under current law?**

**Response:** As a judicial nominee, it would not be appropriate for me to comment on matters of political controversy, and which are or may be the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C). If confirmed, I would faithfully follow all binding precedent from the Supreme Court and the Third Circuit, including *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023).

3. At your nomination hearing, in response to Senator Blumenthal's direct question on who won the popular vote in 2020, you answered, "With respect to the popular vote my role as a nominee here is to speak to the law."

- a. **Legally, how does the Commonwealth of Pennsylvania allocate its electoral college votes?**

**Response:** Under Pennsylvania law, the process for nominating presidential electors is set forth in 25 P.S. § 2878. The process for selecting presidential electors is set forth in 25 P.S. § 3191 and, in the case of vacancies existing in presidential electors, 25 P.S. § 3193.

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

**Response:** Under the process specified by the Constitution and federal law, Congress certified Joseph R. Biden as the winner of the 2020 election, and he served as the 46th President of the United States. Accordingly, as a matter of law, he was elected to the office of the President in 2020.

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

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

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

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

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

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

- f. **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 Question 3(b).

**Nomination of Antonio Pozos**  
**United States District Court for the Eastern District of Pennsylvania**  
**Questions for the Record**  
**Submitted June 17, 2026**

**QUESTIONS FROM SENATOR BOOKER**

1. 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 would recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm, Faegre Drinker Biddle & Reath LLP, represents a party. I will recuse in any case where members of my family, who are practicing attorneys, represent a party. I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of a conflict, on a case-by-case basis under 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other applicable laws, rules, and practices. I would also consult with colleagues and judicial ethics officials as appropriate.

2. 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 consider ex-parte communications or other requests, made directly or indirectly, by anyone outside the normal legal process to rule in their favor or otherwise benefit anyone personally, financially, or politically.

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

**Response:** The applicable ethical obligations would depend on the particular facts and circumstances of such a request. In evaluating the potential scope of ethical obligations at issue, I would look to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other applicable laws, rules, and practices. I would also consult with colleagues and judicial ethics officials as appropriate.

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

**Response:** The rules set forth in 28 U.S.C. § 455 and the Code of Conduct for United States Judges provide durable and binding guidance for evaluating potential conflicts of interest. As a judicial nominee, it would not be appropriate for me to “grade” or comment on policy issues regarding the applicable ethical rules, comment on matters of political controversy, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

3. 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 political issue or a statement by a political figure regarding litigation. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** I understand that, if I am fortunate enough to be confirmed, I may be subject to public criticism. Consistent with the Code of Conduct for United States Judges, I would not be affected by “partisan interests, public clamor, or fear of criticism.” *See* Code of Conduct for United States Judges, Canon 3(A)(1).

- 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 3(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 such an ethical obligation.

4. 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 take a position on the steps that the Senate should take, including the appropriate process or any consequences.

5. 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 4.

6. How would you characterize your judicial philosophy?

**Response:** As a nominee to the district court, if confirmed, I would be bound by, and first look to, the precedents established by the Supreme Court and the Third Circuit. In the absence of binding precedent applicable to the case at bar, I would apply applicable methods of judicial analysis contemplated by the U.S. Supreme Court and the Third Circuit, including textualism and originalism.

7. What do you understand originalism to mean?

**Response:** My understanding is that originalism is a method of constitutional interpretation that seeks to ascertain the original public meaning of provision(s) of the Constitution at the time the relevant provision(s) were ratified.

8. Do you consider yourself an originalist?

**Response:** Yes.

9. What do you understand textualism to mean?

**Response:** My understanding is that textualism is a method of statutory interpretation that seeks to ascertain the public meaning of statutory text as written at the time the relevant statute was enacted.

10. Do you consider yourself a textualist?

**Response:** Yes.

11. 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:** When interpreting a federal statute, as a nominee to the district court, I would be bound by, and look to, the precedents established by the Supreme Court and the Third Circuit, regardless of the methodology employed by those courts. In the absence of binding precedent on point, I would first seek to determine whether the words of the statute are ambiguous. If they are unambiguous, there is no need to consider legislative history. If they are ambiguous, I would generally rely on other tools and canons of construction to ascertain the meaning of the statutory text. If, however, the parties were to brief legislative history as part of their arguments to the court, I would thoroughly evaluate all arguments offered by the parties.

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

**Response:** Under our system of bicameralism and presentment, I believe that the best and most respectful method of determining Congressional intent is by reviewing and applying the text of statutes as enacted by Congress, using the ordinary and plain meaning of the terms used by Congress. As a nominee to the district court, I would

be bound by, and look to, the precedents established by the Supreme Court and the Third Circuit, regardless of the methodology employed by those courts.

12. 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>1</sup>

a. What do you attribute this to?

**Response:** I am not familiar with the study, and as a judicial nominee it would not be proper for me to comment on an academic study or prejudge any issues related to sentencing under the Code of Conduct for United States Judges. If confirmed, I will treat everyone who comes before me equally, fairly, impartially, and respectfully under the applicable laws, including 18 U.S.C. § 3553(a).

13. 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>2</sup>

a. What do you attribute this to?

**Response:** I am not familiar with the report, and as a judicial nominee it would not be proper for me to comment on the report or prejudge any issues related to sentencing under the Code of Conduct for United States Judges. If confirmed, I will treat everyone who comes before me equally, fairly, impartially, and respectfully under the applicable laws, including 18 U.S.C. § 3553(a).

14. 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:** Judges are responsible for upholding the integrity and fairness of our criminal justice system at all stages, and ensuring that all defendants are treated fairly and equally under the law. Judges have particular responsibilities to prevent racial discrimination in criminal cases in many contexts, including pursuant to *Batson v. Kentucky*, 476 U.S. 79 (1986) and other authorities. Judges should pay close attention to any suggestion that a defendant's race affected or otherwise played any role in a prosecutor's decision making in any case, and carefully consider necessary and appropriate remedies if race has been considered in an illegal manner.

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<sup>1</sup> Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

<sup>2</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).

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

**Response:** Well-qualified individuals from all backgrounds should have the opportunity to serve in the judiciary, and no one should be excluded from serving as a judge because of race, ethnicity, sex, religion, or any other protected characteristic.

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

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

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

**Response:** To the best of my recollection, I have not published any written material or made any public statements regarding the topics set forth above, except as listed in my Senate Judiciary Questionnaire.

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

**Response:** Litigants who disagree with a court order must generally comply with the order, and either seek reconsideration of the order, request a stay of the order, or seek appellate review. Certain types of interlocutory orders, including orders involving privilege, may be appealed after incurring sanctions or being found in contempt. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.”).

- 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, I would analyze instances of potential non-compliance with an order under the applicable Federal Rules of Criminal Procedure and Civil Procedure, any otherwise applicable statutes, and binding precedent from the Supreme Court and Third Circuit. I also anticipate that I would invite briefing from the parties, and, if necessary, hold show cause hearing(s) to fully understand the positions of the parties and the posture of the case. As a judicial nominee, however, it would not be appropriate for me to prejudge fact-patterns of the type that could appear before me, if confirmed, under the Code of Conduct for United States Judges.

- 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 17.

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

**Response:** Under the Constitution, the President has the authority to veto legislation. U.S. Const., Art. I, Sec. 7. The Supreme Court has also recognized areas of “enforcement discretion.” *See, e.g., United States v. Texas*, 599 U.S. 670, 678-80 (2023). Beyond that, as a judicial nominee, it would not be appropriate for me to comment on matters of political controversy, that are the subject of litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

19. 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 matters of political controversy, that are the subject of litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** As a judicial nominee, it would not be appropriate for me to comment on matters of political controversy, that are the subject of litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** Yes. “The 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) (citation omitted).

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

**Response:** The Supreme Court has held that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Beyond that, as a judicial nominee, it would not be appropriate for me to comment on matters of political controversy, that are the subject of litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** This question has been the subject of recent decisions by the Supreme Court, including *FCC v. Consumers’ Rsch.*, 606 U.S. 656 (2025), *West Virginia v. EPA*, 597 U.S. 697 (2022), and other matters. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on matters of political controversy, that are the subject of litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** Consistent with the exceptions to the general rule that nominees should not opine on whether decisions of the Supreme Court were correctly decided, and tradition established by prior nominees, *Brown v. Board of Education* was correctly decided.

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

**Response:** *Griswold* is binding precedent. In *Griswold*, the Supreme Court held that the Fourteenth Amendment protects the use of contraceptives in the marital context.

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

**Response:** *Lawrence* is binding precedent. In *Lawrence*, the Supreme Court held that laws criminalizing sexual relations between members of the same sex violated the Due Process Clause of the Fourteenth Amendment.

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

**Response:** *Obergefell* is binding precedent. In *Obergefell*, the Supreme Court held that states are required to license marriages between same sex couples on the same basis as marriages between couples of the opposite sex under the Fourteenth Amendment.

28. 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:** Under the process specified by the Constitution and federal law, Congress certified Joseph R. Biden as the winner of the 2020 election, and he served as the 46th President of the United States. Accordingly, as a matter of law, he was elected to the office of the President in 2020.

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

**Response:** Under the process specified by the Constitution and federal law, Congress certified Joseph R. Biden as the winner of the 2020 election, and he served as the 46th President of the United States. As a judicial nominee, it would not be appropriate for me to opine 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 2(A), 3(A)(6), 5.

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 28(a).

29. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”<sup>3</sup>

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

**Response:** Yes. The Constitution, including the Twenty-Second Amendment to the Constitution, is the law of the land.

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

**Response:** President Trump was certified by Congress as the winner of the presidential election in 2016. Accordingly, as a matter of law, he was elected to the office of the President in 2016.

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<sup>3</sup> U.S. CONST. amend. XXII.

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

**Response:** Please see my response to Question 29(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 by Congress as the winner of the presidential election in 2024. Accordingly, as a matter of law, he was elected to the office of the President in 2024.

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

**Response:** Please see my response to Question 29(d).

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

**Response:** Under the Twenty-Second Amendment, “[n]o person,” including President Trump, “shall be elected to the office of the president more than twice.” U.S. Const., Amend. XXII, Sec. 1.

30. 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.

31. 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.

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

**Response:** No.

33. 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.

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

**Response:** No.

35. 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.

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

**Response:** Yes. I was introduced to Acting Attorney General Blanche socially by a mutual friend on September 17, 2025. We spoke about our respective families, and people whom we knew in common. We have not spoken or corresponded since that time.

37. 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.

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

**Response:** No.

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

**Response:** No.

40. 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 of the individuals listed in Question 40.

41. 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:** To the best of my knowledge, no.

42. 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.

43. 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>4</sup>

- a. Do you agree with the above statement?

**Response:** As a judicial nominee, it would not be appropriate for me to comment on a political issue or a statement by a political figure. *See* Code of Conduct for United States Judges, Canons 2(A), 5(C).

- 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:** I have not discussed my nomination with officials from or anyone whom I understand to be directly associated with the Article III Project. I understand that, prior to my nomination, mutual friends may have raised my interest in a nomination to the district court with Mr. Davis.

44. 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)?

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<sup>4</sup> <https://www.article3project.org/about>

**Response:** No.

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

**Response:** Not applicable.

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

**Response:** No.

45. 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:** The Office of Legal Policy forwarded these questions to me on June 17, 2026. I prepared draft responses based on my review of the questions, my memory, my personal records, and after reviewing answers provided by prior judicial nominees. I shared my draft with members of the Office of Legal Policy, and after considering their feedback, prepared these final responses. These answers are my own, and I authorized the Office of Legal Policy to transmit them to the Committee on my behalf.

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

**June 10, 2026**

**Questions for Antonio Miguel Pozos (U.S. District Court for the Eastern District of Pennsylvania):**

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 personal knowledge on which to answer this question. I understand from public reporting that state election officials certified that Joseph Biden received more popular votes in this state.

- 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 a judicial nominee, it would not be appropriate for me to opine on the integrity of any election or other political matters. *See* Code of Conduct for United States Judges, Canons 2(A), 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:** Under the process specified by the Constitution and federal law, Congress certified Joseph R. Biden as the winner of the 2020 election, and he served as the 46th President of the United States.

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

**Response:** As a judicial nominee, it would not be appropriate for me to opine on the integrity of any election or other political matters. *See* Code of Conduct for United States Judges, Canons 2(A), 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:** Under the process specified by the Constitution and federal law, Congress certified Joseph R. Biden as the winner of the 2020 election, and he served as the 46th President of the United States. As a judicial nominee, it would not be appropriate for me to opine on the integrity of any election or other political matters. *See* Code of Conduct for United States Judges, Canons 2(A), 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:** As a judicial nominee, it would not be appropriate for me to opine on the integrity of any election, or the decisions of other courts in litigation. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 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 answer to Question 5(a).

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

**Response:** To the best of my knowledge, 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 recognized a constitutional right to privacy in the context of contraception in *Griswold v. Connecticut*, 381 U.S. 479 (1965). Other Supreme Court decisions have recognized a constitutional right to privacy in other contexts as well. *See, e.g., Lawrence v. Texas*, 539 U.S. 558 (2003). If confirmed, I would fully and faithfully apply all binding precedents of the Supreme Court and the Third Circuit, including *Griswold* and *Lawrence*.

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

**Response:** *Griswold* is binding precedent. As a nominee to the district court, as a general matter, it would not be appropriate for me to “grade” particular decisions of the Supreme Court, or otherwise opine on whether those decisions were correctly decided. If confirmed, I would fully and faithfully apply all binding decisions of the Supreme Court, including *Griswold*.

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:** I consider the Honorable Anthony J. Trenga, U.S. District Judge for the Eastern District of Virginia, for whom I was fortunate to clerk, to be foundational to my approach to the law and to my understanding of the role of the district court in our judicial system.

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 would follow all binding Supreme Court and Third Circuit precedent on this topic. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on matters of political controversy, that are the subject of litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States

Judges, Canons 2(A), 3(A)(6), 5(C).

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:** Well-qualified individuals from all backgrounds should have the opportunity to work in the federal judiciary, and no one should be excluded from working in the federal judiciary because of 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:** If confirmed, I would consider well-qualified individuals from all backgrounds.

- 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:** If confirmed, I anticipate that I would consider candidates who apply directly, including through the OSCAR system.

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

**Response:** If confirmed, I would hire law clerks based on merit, regardless of the race, sex, ethnicity, religion, or other protected characteristics of the applicants.

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:** "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:** Congress certified President Trump as the winner of the presidential election in 2016 and 2024. Accordingly, as a matter of law, he has been elected 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 aware of any provision of the Constitution, federal statute, or judicial precedent that would allow someone who has twice been elected President to be elected a third time.

- 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 such a case were to come before me, I would faithfully apply the Twenty-Second Amendment, regardless of political standing or the political consequences of such a decision.

- 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 individuals who come before the Court equally, with dignity and respect, and give all parties full and fair consideration of the issues raised.

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 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). Beyond that, as a judicial nominee, it would not be appropriate for me to comment on matters of political controversy, that are the subject of litigation, or that may come before me if confirmed as a judge. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5(C).

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

**Response:** Yes.

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

**Response:** Federal courts have a number of means to enforce their orders, including through orders to show cause, imposition of sanctions, civil and criminal contempt proceedings, disciplinary referrals, and criminal referrals. *See, inter alia*, 18 U.S.C. § 401, *et seq.* (contempts); *see also* Fed. R. Civ. P. 37(b) (discovery sanctions), Fed. R. Civ. P. 45(g) (subpoena non-compliance), Fed. R. Civ. P. 70(a) & (e) (enforcing a judgment for a specific act), Fed. R. Crim. P. 42 (criminal contempt).

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 occasionally used private social media accounts to assist with client matters, business development and my wife's exploration of a run for Congress in 2018. 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:** No.

## Questions for the Record

### **Antonio Pozos – Nominee to be United States District Judge for the Eastern District of Pennsylvania**

Sen. Adam Schiff (CA)

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

**Response:** There are many different federal criminal statutes that prohibit various forms of public corruption, including 18 U.S.C. §§ 201 (bribery of public officials), 641 (theft of government money or property), 1346 (honest services fraud), and 1951 (Hobbs Act extortion).

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

**Response:** While I previously served as a Trial Attorney with the Criminal Fraud Section of the Department of Justice, I am not an Assistant United States Attorney and have not served as one. With respect to the scenario proposed, depending on the facts of the case, in theory, conduct of the sort described could constitute honest services fraud, wire or mail fraud, or other offenses under federal law.

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

**Response:** There are a variety of federal criminal statutes that prohibit threats in different contexts. *See, e.g.*, 18 U.S.C. §§ 115 (threats against federal officials), 871 (threats against the president), 875 (interstate threats), and 1512 (threats against a witness). As a general matter, “[t]rue threats,” which are not protected by the First Amendment, are “serious expressions conveying that a speaker means to commit an act of unlawful violence.” *Counterman v. Colorado*, 600 U.S. 66, 74 (2023) (cleaned up) (citation omitted).

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

**Response:** While I previously served as a Trial Attorney with the Criminal Fraud Section of the Department of Justice, I am not an Assistant United States Attorney and have not served as one. The Justice Manual sets forth internal Department of Justice policies procedures in a public format. During my service as a Trial Attorney with the Department of Justice, my understanding was that I was generally required to comply with the policies set forth within the Justice Manual, unless authorized to take a different action through the processes set forth in Department of Justice policy.

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

**Response:** During my service as a Trial Attorney with the Department of Justice, no supervisor instructed me to disregard the Justice Manual (then known as the U.S. Attorney's Manual).

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

**Response:** Section 1-1.200 of the Justice Manual provides: "The Justice Manual provides internal DOJ guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal. Nor are any limitations hereby placed on otherwise lawful litigation prerogatives of DOJ." As a judicial nominee, it would not be appropriate for me to opine on the Executive Branch's exercise of its enforcement discretion or litigation prerogatives, or to prejudge fact-patterns that may come before me if confirmed. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6).

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

**Response:** During my service as a Trial Attorney with the Department of Justice, I did not instruct a colleague or subordinate to disregard the Justice Manual (then known as the U.S. Attorney's Manual).

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

**Response:** During my tenure as a Trial Attorney with the Department of Justice, I received training on grand jury practice.

- a. Did your training include a description of "vouching"?

**Response:** I do not recall the particulars discussed during the training, including whether "vouching" was a topic of the training.

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

**Response:** I understand this topic has become the topic of political contention and is the subject of pending litigation. Accordingly, as a judicial nominee, it would

not be appropriate for me to opine on this topic. See Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5.

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

**Response:** No.

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

**Response:** No.

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

**Response:** Under the Fifth Amendment: “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger.” U.S. Const., Amend. V, Cl. 1.

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

**Response:** I am not aware of a limit on the number of times that a prosecutor may re-present an indictment to a grand jury.

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

**Response:** Under Fed. R. Crim. P. 6(h): “At any time, for good cause, the court may excuse a juror either temporarily or permanently, and if permanently, the court may impanel an alternate juror in place of the excused juror.”

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

**Response:** No.

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

**Response:** I understand this topic has become the topic of political contention, and is the subject of pending litigation. Accordingly, as a judicial nominee, it would not be appropriate for me to opine on this topic. *See* Code of Conduct for United States Judges, Canons 2(A), 3(A)(6), 5.

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

**Response:** Other than as part of the standard process for returning indictments to the magistrate judge with the foreperson of the grand jury pursuant to Fed. R. Crim. P. 6(f), no.

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

**Response:** Litigants who disagree with a court order, including federal prosecutors, must generally comply with the order, and either seek reconsideration of the order, request a stay of the order, or seek appellate review. Certain types of interlocutory orders, including orders involving privilege, may be appealed after incurring sanctions or being found in contempt. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.”).

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

**Response:** If confirmed, I would analyze instances of potential non-compliance with an order under the applicable Federal Rules of Criminal Procedure and Civil Procedure, any otherwise applicable statutes, and binding precedent from the Supreme Court and Third Circuit. I also anticipate that I would invite briefing from the parties, and, if necessary, hold show cause hearing(s) to fully understand the positions of the parties and the posture of the case. As a judicial nominee, however, it would not be appropriate for me to prejudge fact-patterns of the type that could appear before me, if confirmed, under the Code of Conduct for United States Judges.