

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Gregory Carl Cook
Nominee to be U.S. District Judge for the Northern District of Alabama
August 19, 2026

1. Plaintiffs in Alabama have challenged Senator Tuberville's eligibility to run for governor on grounds that he does not meet the Alabama Constitution's seven-year residency requirement. The lower court recently dismissed the lawsuit, and plaintiffs have appealed their case to the Alabama Supreme Court.

- a. Given Senator Tuberville's role in your nomination, particularly in interviewing you and providing a blue slip in support of your nomination, will you recuse yourself from this case?

Response: Yes. In fact, I have already publicly recused from this case and I commit to continue recusing in this case and, more broadly, to the matter.

- b. If not, please explain why not.

Response: *See* Response to Question 1.a.

- c. During your nomination process, have you discussed Senator Tuberville's residency issues or the ongoing case?

Response: No.

2. While campaigning for the Alabama Supreme Court, you appeared on several radio and podcast shows and delivered campaign speeches at events across the state of Alabama. You made your political beliefs very clear, identifying as "Trump Tough" on several occasions. Since the start of his second term, President Trump has installed several loyalists to the bench, and I am concerned you are one of them.

In one speech, you expressed, "wonderful relief" following the 2024 presidential election and said, "To borrow a line from a prior president, the great national nightmare is over."

- a. Are you loyal to President Trump or loyal to the Constitution?

Response: My loyalty is to the Constitution. As a Justice on the Alabama Supreme Court, I have sworn an oath to uphold both the Constitutions of Alabama and the United States. If I am fortunate enough to be confirmed, I will swear another oath to the Constitution of the United States. The Constitution has been and will continue to be my guiding light and the ultimate basis of all of my decisions.

- b. What did you mean by "Trump-Tough"?

Response: I made these statements during my campaign to be an Alabama Supreme Court Justice. I explained that I would decide cases by the “rule of law” and the “words on the page” and that I would not be swayed by public opinion or outside influences. This is what I meant by being “Trump-Tough.” I have consistently followed the rule of law, precedent, and the words on the page of our statutes, and our Constitution. I have not been swayed by public opinion or outside influences, so I believe I have done what I promised.

- c. If confirmed, do you intend to serve as a “Trump-Tough” judge?

Response: If I am fortunate enough to be confirmed, I intend to obey the Constitution of the United States and to decide cases based upon the rule of law and not upon public opinion. I will follow all binding precedent of the United States Supreme Court and the Eleventh Circuit Court of Appeals. I will carefully obey my oath. I believe my record of voting on over 2,000 matters on the Alabama Supreme Court confirms that I have done so, and I will continue to do so regardless of the court where I sit.

- d. Why did you view the Biden Administration as a great national nightmare?

Response: As a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. See Code of Conduct for United States Judges, Canons 3 and 5.

In notes for a campaign speech, you wrote in all caps: “ANY REPUBLICAN IS BETTER THAN ANY DEMOCRAT.”

- e. What did you mean by that?

Response: This statement is out of context. My speech notes state, immediately before this statement: “FORGET about the primaries and who you supported.” Thus, my meaning in these two lines -- properly read together -- was to convince voters to vote for me. Ultimately, this was the point of all of my campaign speeches – to convince voters to vote for me. Specifically, this campaign speech was given after the primary but before the general election in 2022, thus I was attempting to convince the supporters of my primary opponent to vote for me in the general election (rather than voting for my Democrat opponent or rather than not voting at all in my downballot race).

- f. Why should litigants who identify as Democrats trust that you will treat them fairly in your courtroom, given your hyper-partisan rhetoric?

Response: If I am confirmed, people in my courtroom will be able to trust that they will be treated fairly. I have a judicial record of almost four years which includes hearing over 2,000 cases where I have treated all parties fairly and

impartially. Not one party has moved for my personal recusal in a case where I am sitting, and I hope that reflects parties' trust in my fairness and impartiality. However, out of an abundance of caution, I have recused nearly 100 times over my time on the bench. Moreover, while I was campaigning, I repeatedly made it clear that I would decide cases based only on the facts and law and not ideology. For instance, I appeared on the radio during my campaign on November 7, 2022 and stated: "I'm not going to rule for Republicans, I'm going to rule for the rule of law." *Alabama's Morning News with JT Podcast* (Nov. 7, 2022) (provided to Committee). If I am so fortunate as to be confirmed and take the judicial oath, I will continue to set aside my personal views and provide impartial justice, seeking to get to the answer commanded by the law, not any policy preference. As a district judge, I will faithfully follow all Supreme Court and Eleventh Circuit precedent.

In November 2021 remarks delivered at a Federalist Society meeting, you said that the phrase "rule of law" "has been used, sometimes, recently by liberals – but this phrase belongs to conservatives. This is a core principle of conservatism."

- g. Is it your view that Democrats do not believe in the rule of law? Please explain.

Response: I respectfully disagree with this characterization of my words. I do not believe that Democrats are opposed to the rule of law. What I have spoken about is my view that one of the most important things judges can do is constrain themselves and this constraint begins with the text of the statute or Constitution. For a district judge, it also includes any binding precedent. I see these sources as providing fair notice to the public of the law, providing the foundation for equality of treatment, and supporting the separation of powers – all critical parts of the rule of law. Thus, when I made this statement, I meant that I disagree with those who believe in interpretative methods which do not place these sources first and foremost, regardless of their party.

You previously claimed that "the WOKE mob is trying to take over every office."

- h. What did you mean by this statement?

Response: I do not have personal recollection of the quote from this particular speech from four years ago, however, when I used the word "woke" during my judicial campaign I normally intended it to refer to persons who demanded preferred outcomes even when the rule of law required the opposite result. At that time, I was a candidate for election in a heated partisan political race and was operating under a different legal standard than applies to me as a federal judicial nominee. See *Republican Party of Minnesota v. White*, 536 US 765 (2002) (explaining that in partisan elections, judicial candidates are entitled to announce their views on disputed legal or political issues).

- i. Do you stand by this claim?

Response: As a federal judicial nominee, it would not be appropriate for me to make this statement today or even to opine on such a matter of political controversy. *See* Code of Conduct for United States Judges, Canons 3 and 5.

Regarding Democrats, you previously stated “They think the United States is evil...They think our history is evil. They think our government is oppressive somehow. They just believe in a different world than we do.”

j. Do you stand by this statement?

Response: This is not what I stated. The line of questioning by the radio host referred to the “far left,” and I responded and used the word “they” which referred back to the “far left.” *See Politics and Moore* (Nov. 5, 2022) (provided to the Committee).

k. Do you believe that Democratic members of this Committee think that the United States is evil?

Response: As noted above, this is not what I said. Nevertheless, to be clear, I also did not intend my words to refer to the Democratic members of this Committee.

l. Does it make someone “evil” to acknowledge historic wrongs such as slavery, Jim Crow laws, and the internment of Japanese-Americans during World War II?

Response: No.

3. You authored a dissent in the Alabama Supreme Court case which found frozen embryos were children under the state’s Wrongful Death of a Minor Act. This decision resulted in numerous IVF clinics in Alabama halting their services. In 2024, I held a hearing in which this Committee heard from Jamie Heard, an Alabaman affected by this decision. In your dissent you wrote, “No court — anywhere in the country — has reached the conclusion the main opinion reaches.” You urged the state legislature to deal with the policy implications of the decision and further stated, “My sympathy with the plaintiffs and my deeply held personal views on the sanctity of life cannot change the meaning of words enacted by our elected Legislature in 1872...”

Can you elaborate why you believed the majority opinion was wrong in finding frozen embryos to be children under state law?

Response: My dissent was based upon the original public meaning of the term “minor child” in the applicable Alabama wrongful death statute which was passed in 1872. I also considered the Alabama precedent which had interpreted that statute and explained that this precedent both supported the original public meaning and that the main opinion was effectively overruling current precedent

which had tied the civil statute (which had not been amended) to the criminal statute for homicide (which had been recently amended and which expressly limited such a claim to an “unborn child in utero”). Ala. Code § 13A-6-1(a)(3). My dissent explained that Alabama’s separation of powers provision in our Constitution meant that updating our 1872 law should be done by the Legislature and not by the Court. I wrote: “Separation of powers is part of our Constitution for a reason -- there are real advantages to the Legislature -- and not this Court -- making such decisions.... In fact, the drafters of the Alabama Constitution felt the separation-of-powers principle was so important that they made it an express clause in our Constitution, whereas the drafters of the Constitution of the United States did not. The facts of these cases certainly illustrate why the Legislature is best suited to weigh competing interests and write comprehensive legislation, after full input from the public and thorough study.” *Le Page v. Ctr. for Reprod. Med., P.C.*, 408 So. 3d 678, 708-09 (Ala. 2024) (Cook, J., dissenting).

4. In January 2024, the state of Alabama executed Kenneth Eugene Smith using nitrogen hypoxia, a first in American history. Smith’s first execution attempt by legal injection failed and he argued that a second execution attempt would constitute cruel and unusual punishment under the U.S. and Alabama Constitutions. In a concurring opinion, you disagreed.¹ In a separate case, specifically on the issue of using nitrogen hypoxia to execute Smith, you dissented but did not write separately to elaborate on your position.²

- a. Why did you dissent on the use of nitrogen hypoxia to execute Smith?

Response: To be precise, the State of Alabama filed a motion to set an execution date for Smith. Our Court, over my dissent, granted that motion on November 1, 2023. I did not write. However, at the same time, Smith was still pursuing two other separate review routes. One route was in federal court and Smith argued that the particular protocol for the method of execution, nitrogen hypoxia, violated the Eighth Amendment. Ultimately the Middle District of Alabama denied his requested preliminary injunction. *See Smith v. Hamm*, No. 2:23-CV-656-RAH, 2024 WL 116303 (M.D. Ala. Jan. 10, 2024). The second route was a Ala. R. Crim. P. 32 petition, which is similar to a federal habeas corpus petition but in state court. The basis of the petition was that this was a second attempt to execute Smith and therefore violated the Eighth Amendment. The trial court and then the Alabama Court of Criminal Appeals denied this petition, leading to a petition for certiorari with our Court. At this point, our Court received the Court of Criminal Appeals memorandum and received an extensive petition on behalf of Smith. Our Court denied this petition. I concurred and I wrote specially to explain why I had dissented earlier, but was now concurring, due to the different procedural posture. That writing explains, in detail, my position on both

¹ *Alabama court says state can make second attempt to execute inmate whose lethal injection failed*, AP NEWS (Jan. 12, 2024), <https://apnews.com/article/alabama-death-penalty-nitrogen-ee9989f40e41abd83b430e89708519e2>.

² Ralph Chapoco, *Alabama Supreme Court gives go ahead for execution by nitrogen hypoxia*, ALABAMA REFLECTOR (Nov. 2, 2023), <https://alabamareflector.com/2023/11/02/alabama-supreme-court-gives-go-ahead-for-execution-by-nitrogen-hypoxia/>.

decisions. *See Ex parte Kenneth Eugene Smith*, 396 So. 3d 407 (Ala. 2024) (Cook, J., concurring).

- b. Please explain why you believed a second execution attempt did not constitute cruel and unusual punishment under the U.S. and Alabama Constitutions.

Response: Please see my response to Question 4.a.

Those who witnessed the execution said that Smith appeared conscious and “shook and writhed” for at least four minutes before breathing heavily for another few minutes after the nitrogen gas began.³ One person who had witnessed four other executions in Alabama said, “I have never seen such a violent reaction to an execution.”⁴

- c. Knowing that Smith suffered a violent death using an experimental method of execution, do you regret your role in allowing the execution to proceed?

Response: As I explained above, the question regarding the constitutionality of the nitrogen hypoxia protocol was decided by the Middle District of Alabama. *See Smith v. Hamm*, No. 2:23-CV-656-RAH, 2024 WL 116303 (M.D. Ala. Jan. 10, 2024). I concurred in denying a different petition filed by Smith that raised a different issue, i.e., the second execution issue.

- 5. In a section on your campaign website, you wrote “Our constitutional rights are under attack from those who seek to turn us from a constitutional republic into a socialist state.”

Who do you believe intends to turn the United States into a socialist state?

Response: As a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. *See Code of Conduct for United States Judges*, Canons 3 and 5. As explained above, I was subject to different rules when I was campaigning in a partisan race in Alabama.

- 6. In a campaign questionnaire, you stated that you considered yourself to be aligned with Justice Neil Gorsuch, but that “we do not agree on everything. In particular, I disagree with his decision in *Bostock* (regarding the construction of Title VII); he simply read the words incorrect and I think violated the basic principle of ‘original public meaning.’”

- a. Why do you believe that *Bostock v. Clayton County* was incorrectly decided?

³ Leah Roemer, “*The World is Watch*”: Witnesses Report Kenneth Smith Appeared Conscious, “Shook and Writhed” During First-Ever Nitrogen Hypoxia Execution, DEATH PENALTY INFORMATION CENTER (Jan. 26, 2024), <https://deathpenaltyinfo.org/the-world-is-watching-witnesses-report-kenneth-smith-appeared-conscious-shook-and-writhed-during-first-ever-nitrogen-hypoxia-execution>.

⁴ *Id.*

Response: Consistent with the positions of prior nominees, I believe it is inappropriate for me to opine on the merits of United States Supreme Court opinions. As Justice Kagan explained during her hearing, “it would not be appropriate... to grade [Supreme Court] cases.” This is especially true for me given that I am nominated to a lower court where I should accord respect and obedience to the Supreme Court and its decisions. When I responded to that questionnaire four years ago, I was a candidate for a partisan political position and was subject to different rules, as explained above. *Bostock* is binding precedent and I will faithfully follow it, regardless of which court I serve upon.

- b. Do you believe that *Bostock* is settled law?

Response: It is binding United States Supreme Court precedent.

In the questionnaire, you opined on the role of a judge in maintaining the separation of church and state, writing:

I believe that role is narrow. A judge must enforce the U.S. Constitution and the Constitution of the State of Alabama. However, the U.S. Constitution does not include such express language. Instead, there are ‘establishment’ and ‘free exercise’ clauses (both in the First Amendment). I fear that some prior court decisions have construed the ‘establishment’ clause so broadly that it is infringing on the ‘free exercise’ clause. I hope the U.S. Supreme Court will begin to revisit its ‘establishment’ caselaw and I would intend to review cases in light of my fear of infringing on the free exercise clause.

- c. Do you believe in the separation of church and state?

Response: If I am fortunate enough to be confirmed, I will faithfully apply all precedent of the United States Supreme Court and the Eleventh Circuit regarding the First Amendment and the Establishment Clause, including those precedents regarding separating the government from the church. *See, e.g., Kennedy v. Bremerton School District*, 597 U.S. 507, 510 (2022).

- d. Please provide an instance of a ruling involving the Establishment Clause which you believe infringes on the Free Exercise Clause.

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me to comment on this hypothetical, as I would be prejudging a case that could come before me. *See generally* Response to Question 6.e.

- e. What Establishment Clause cases do you believe the Supreme Court should revisit or overrule?

Response: Consistent with the positions of prior nominees, I believe it is inappropriate for me to opine on the merits of United States Supreme Court opinions, with only three exceptions set by prior nominees, as explained above. As Justice Kagan explained during her hearing, “it would not be appropriate... to grade [Supreme Court] cases.” This is especially true for me given that I am nominated to a lower court where I should accord respect and obedience to the Supreme Court and its decisions.

However, as to what I meant at the time, I believe that I originally answered this questionnaire in May of 2022. It is my best recollection that my comment regarding my hope that the Supreme Court would “revisit its ‘establishment’ caselaw” was in reference to *Lemon v. Kurtzman*, 403 U.S. 602 (1971). The Supreme Court has now revisited this case, announcing in June 2022 that *Lemon* had been overruled in *Kennedy v. Bremerton School District*, 597 U.S. 507, 510 (2022) (“this Court long ago abandoned *Lemon* and its endorsement test offshoot”).

7. On at least two occasions, you appeared on the radio show of Phil Williams, who now serves as U.S. Attorney for the Northern District of Alabama.
- a. In the months before your appearances on his show, Williams stated that January 6 rioters were “hunted down” by law enforcement, whom he accused of “prosecutorial abuse, many times over.” Do you agree with this statement?

Response: I do not recall ever hearing these statements by Mr. Williams. To the best of my recollection, I do not recall ever commenting on these issues. As a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. *See* Code of Conduct for United States Judges, Canons 3 and 5.

- b. Williams also characterized a bill introduced in the Alabama Legislature that would ensure the right to contraception as “nanny state jackassery.” Do you agree with this characterization?

Response: I do not recall ever hearing these statements by Mr. Williams. I am also unaware of what legislation to which he might have been referring. Moreover, as a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. *See* Code of Conduct for United States Judges, Canons 3 and 5.

8. You retweeted a 2013 post from the ABA Litigation Section, which quoted journalist Bob Woodward saying “If Nixon had 1 strong lawyer that believed in the Rule of Law, it may have been different. ‘No one said no to Nixon.’” You also tweeted: “Bob Woodward states Republicans were the ones to force Nixon’s resignation and President Ford was a

true hero.” Recently, Trump officials including Ed Martin⁵ and J.D. Vance⁶ have downplayed the events of Watergate or claimed that it was a CIA hoax.

Do you agree with Woodward’s statements?

Response: I am unaware of the referenced recent controversy. I have no personal knowledge of Watergate, and I was a child when it occurred. However, if there is a current political controversy over Watergate, then as a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. *See* Code of Conduct for United States Judges, Canons 3 and 5.

9. In response to a tweet from the *American Bar Association Journal* affirming that “lawyers should not suffer backlash for defending rights of unsympathetic clients,” you posted “Exactly right. Disappointing that it is necessary to even say this, but it clearly is.”

- a. Do you stand by this post?

Response: Yes. This was a post from July of 2019. I have not deleted it or otherwise indicated that I disagree with it.

- b. Do you believe it is lawful for the President to issue executive orders targeting law firms for the clients they represent, the causes for which they advocate, or the personnel in their employ?

Response: As a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. *See* Code of Conduct for United States Judges, Canons 3 and 5.

10. President Trump has attacked President Obama’s former ethics czar and Ambassador Norm Eisen as “vicious and violent” and a “major Sleazebag.” Ambassador Eisen called you an “old friend” and you promoted his book.

Based on your longstanding friendship with Ambassador Eisen, do you agree with President Trump’s characterizations of him?

Response: As phrased, this question seeks comment on a matter of political controversy and because I am a federal judicial nominee, it would be inappropriate for me to respond. *See* Code of Conduct for United States Judges, Canons 3 and 5.

⁵ Eagle Ed Martin (@EagleEdMartin), X (June 21, 2026, 3:02 PM), <https://x.com/EagleEdMartin/status/2068771563319504969?s=20>.

⁶ Emily Davies, *Vance Downplays Watergate and Compares Himself to Nixon*, N.Y. TIMES (June 26, 2026), https://www.nytimes.com/2026/06/26/us/politics/vance-nixon-watergate-deep-state.html?eafs_enabled=false.

11. During your campaign for the Alabama Supreme Court, you celebrated receiving the endorsement of Alabama Citizens for Life. The organization lobbied for Alabama’s near-total abortion ban which does not include exceptions for rape and incest.

Do you support access to abortion to save the life of the mother, or in the case of rape or incest?

Response: As a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. *See Code of Conduct for United States Judges, Canons 3 and 5.*

12. Did President Trump lose the 2020 election?

Response: Congress certified President Biden as the winner of the 2020 presidential election and he served as the 46th President of the United States.

13. Where were you on January 6, 2021?

Response: Birmingham, Alabama.

14. Do you denounce the January 6 insurrection?

Response: I condemn all acts of violence and vandalism, including the acts of violence and vandalism that were committed at the U.S. Capitol on January 6, 2021, especially with regard to law enforcement officers. However, the question of whether the events at the U.S. Capitol on January 6, 2021, were an “insurrection” involves a legal term of art and has become a matter of political controversy often discussed and debated by political leaders of both parties. As a judicial nominee, it is thus not appropriate for me to opine on whether those events constituted an “insurrection.” *See Code of Conduct for United States Judges, Canons 3 and 5.*

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

Response: As a judicial nominee, it would be inappropriate for me to opine on matters of political controversy. *See Code of Conduct for United States Judges, Canon 5.*

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

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

Response: Generally, if a party disagrees with a court order, they should follow the available appellate processes. There is a narrow group of circumstances in which it might be appropriate for a litigant, including an Executive Branch official, to fail to follow a court order. For example, sometimes an order can only be appealed if it is violated. *See Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

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

Response: Please see my Response to Question 16.a.

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

Response: Generally, the judiciary is responsible for such determinations in cases or controversies presented by litigants. Specifically, Article III of the U.S. Constitution explains that “[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish,” and that this power “shall extend to all Cases, in Law and Equity, arising under the Constitution” or other federal laws. As with any other litigants, members of Congress and Executive Branch officials may express their views and provide guidance concerning the lawfulness of a particular federal court order. However, litigation disputes over the enforceability of such an order are generally matters for the judiciary to resolve.

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

- a. Are non-party injunctions constitutional?

Response: The United States Supreme Court has held that injunctions providing relief to non-parties are generally not permitted. *See Trump v. CASA, Inc.*, 606 U.S. 831 (2025). The Court did not address whether such injunctions are unconstitutional. To the extent this question asks me to opine on unresolved issues, it would be inappropriate for me to respond because (among other reasons) the issue could come before me if I am confirmed as a federal district judge. *See Code of Conduct for United States Judges*, Canons 3 and 5.

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

Response: Please see my Response to Question 17.a above.

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

Response: Please see my Response to Question 17.a above.

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

Response: Per the express language of Fed. R. Civ. P. 65(d), I did, as a practicing attorney, seek relief that would have bound the parties and their “officers, agents, servants, employee and attorneys” and “other persons who are in active concert.” Because this language is found in Rule 65, it is routinely used in requests for preliminary injunctions and I recall seeking such relief in several matters while in private practice. Because I have been a Justice for almost four years and because I do not have access to my law firm files, I do not have a list or independent recollection of such cases. However, I would not label these as “non-party injunctions” because they bound non-parties (who were essentially in privity with the enjoined party) rather than providing relief to non-parties. *Compare Trump v. CASA, Inc.*, 606 U.S. 831 (2025).

18. 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.

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

Response: The 22nd Amendment states: “No person shall be elected to the office of the President more than twice.”

20. 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...”⁷

- 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 phrased, this question seeks comment on a matter of political controversy and because I am a federal judicial nominee, it would be inappropriate for me to respond. *See* Code of Conduct for United States Judges, Canons 3 and 5.

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

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

Response: Please see my response to Question 20.a.

21. 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”⁸ and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”⁹

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

Response: Please see my response to Question 20.a.

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

Response: Please see my response to Question 20.a.

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

Response: Please see my response to Question 20.a.

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

Response: Without prejudging any future case, assuming a good faith application of the precedent applies to a particular pending case, I cannot currently think of such a circumstance because Supreme Court precedent is binding on all lower courts.

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

Response: I am being nominated to a District Court position and therefore I will not be called upon to overturn circuit court precedent. Circuit courts should follow the standards set forth in case law for determining whether to overrule its own precedent.

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

Response: The Supreme Court has set forth factors for overruling its own precedent. *See, e.g., Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022) (factors for overruling U.S. Supreme Court precedent concerning constitutional law decisions);

⁸ Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

⁹ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

Kimble v. Marvel Ent., LLC, 576 U.S. 446 (2015) (factors for overruling U.S. Supreme Court precedent concerning statutory interpretation).

25. 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. *Masterpiece Cakeshop v. Colorado*
- j. *303 Creative LLC v. Elenis*
- k. *United States v. Rahimi*
- l. *Loper Bright Enterprises v. Raimondo*

Response: As noted above, consistent with the positions of prior nominees, I believe it is inappropriate for me to opine on the merits of United States Supreme Court opinions, with only a few exceptions set by prior nominees. I believe *Brown* and *Loving* were correctly decided, consistent with the precedent of prior nominees appearing before this Committee. As Justice Kagan explained during her hearing, “it would not be appropriate... to grade [Supreme Court] cases.” This is especially true for me given that I am nominated to a lower court where I should accord respect and obedience to the Supreme Court and its decisions. If confirmed as a federal district judge, I will continue to faithfully apply all binding precedent of the United States Supreme Court.

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

Response: Yes. As I have stated elsewhere, my judicial philosophy is grounded in originalism and textualism. In interpreting the Constitution and statutes, respectively, I endeavor to determine and apply the original public meaning of the words used in those texts. As a district court judge, I will be bound to follow controlling precedent.

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

Response: Please see my Response to Question 26 above.

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

Response: The United States Supreme Court held “that the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty. The Court now holds that same-sex couples may exercise the fundamental right to marry.” *Obergefell v. Hodges*, 576 U.S. 644, 675 (2015). As a current state supreme court justice and as a federal district judge if confirmed, this is binding precedent and I have, and will, apply all binding precedents.

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

Response: The United States Supreme Court held that laws banning interracial marriage were unconstitutional. *See Loving v. Virginia*, 388 U.S. 1 (1967).

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

Response: The Fourteenth Amendment’s relevant text states that “[n]o State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” The Equal Protection Clause has been construed to prohibit laws that classify individuals based on protected characteristics unless strict or intermediate scrutiny is satisfied (depending on the characteristic at issue). *See Students for Fair Admission, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023). “[I]f a law neither burdens a fundamental right nor targets a suspect class, [the Court] will uphold the legislative classification so long as it bears a rational relation to some legitimate end.” *United States v. Skrametti*, 605 U.S. 495, 510 (2025) (quoting *Romer v. Evans*, 517 U.S. 620, 631 (1996)). The Due Process Clause has been construed to require basic procedural protections and to guarantee certain substantive rights that are “deeply rooted in this Nation’s history and tradition” and “implicit in the concept of ordered liberty.” *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215, 231 (2022).

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

Response: The Supreme Court has applied these constitutional provisions to discrimination based on sex in *Loving v. Virginia*, *Lawrence v. Texas*, and *Obergefell v. Hodges*. I would faithfully apply these and all other binding U.S. Supreme Court precedent. As a judicial nominee, it would be inappropriate for me to comment further because of the possibility of either pending or impending cases in the federal court system.

32. 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 26 above. However, the original public meaning can be applied to modern facts. *See, e.g., Kyllo v. United States*, 533 U.S. 27 (2001)

33. 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 26 above.

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

Response: The U.S. Constitution's First Amendment protects the freedoms of speech, religion, the press, the right to assemble, and the right to petition the government. The scope of these rights may apply to individuals, associations, churches, or corporations, differently depending on the context and I would faithfully apply all U.S. Supreme Court and Eleventh Circuit precedent. To the extent the question asks about hypothetical cases, as a federal judicial nominee, it would be inappropriate for me to opine further as the question asks me to comment on legal questions that could come before me. *See* Code of Conduct for United States Judges, Canons 3 and 5.

35. 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 recently summarized that “a law is content based on its face if it applies to particular speech because of the topic discussed or the idea or message expressed.” *TikTok Inc. v. Garland*, 604 U.S. 56, 70 (2025) (cleaned up). And even “a facially content-neutral law is nonetheless treated as a content-based regulation of speech if it cannot be justified without reference to the content of the regulated speech or was adopted by the government because of disagreement with the message the speech conveys.” *Id.* at 70-71 (cleaned up). If I am confirmed, I will faithfully apply the precedents of the Supreme Court and the Eleventh Circuit regarding the First Amendment.

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

Response: “True threats 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). The speaker must at least be “aware that others could regard his statements as threatening violence,” yet he “delivers them anyway.” *Id.* at 79. If I am confirmed, I will faithfully apply the precedents of the Supreme Court and the Eleventh Circuit regarding the true threats doctrine.

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

Response: The Due Process Clauses in the Fifth and Fourteenth Amendments apply to all “person[s].” 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). I would faithfully apply this and other Supreme Court precedents if confirmed.

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

Response: To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending, it would be inappropriate for me to weigh in further, according to the Code of Conduct for United States Judges, Canon 3(A)(6).

39. 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: The Supreme Court held that “children born of parents unlawfully or temporarily present in the United States ... are thus subject to the jurisdiction of the United States ... [and] are citizens at birth.” *Trump v. Barbara*, 146 S. Ct. 2438, 2450 (2026). If I am confirmed, I will faithfully apply all binding precedent.

- 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 39.a above.

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

Response: Everyone should be afforded the opportunity to be considered to serve in the judicial branch without regard to race, sex, ethnicity, religion, or other protected characteristic.

41. 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: As with all federal law, judges should impartially apply the requirements of the *First Step Act*, and precedents interpreting it, whenever applicable.

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

Response: If I am confirmed, I commit to fairly and impartially applying all applicable laws and binding precedents, including those that apply to sentencing in criminal cases. I also commit to considering the individualized circumstances of each defendant during sentencing to ensure that their sentence is properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary.

42. 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 was unaware of this quotation and have never considered its meaning. As a member of the Federalist Society, I have never been asked to adopt a particular position on any issue. Moreover, as a federal judicial nominee, it would be inappropriate for me to opine to the extent that this question asks me to comment on a matter of political controversy. See Code of Conduct for United States Judges, Canons 3 and 5.

- 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.¹⁰

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

- 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 federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. *See* Code of Conduct for United States Judges, Canons 3 and 5.

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

Response: As a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. *See* Code of Conduct for United States Judges, Canons 3 and 5.

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

Response: If confirmed, I will evaluate all my associations and memberships for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- 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: The Federalist Society is a large organization and I am certain that I have spoken with persons who are members at some point in the selection or confirmation process. With this said, I am unaware of having spoken or otherwise communicated with Leonard Leo, Steven G. Calabresi, or any person in senior leadership of the Federalist Society during the selection or confirmation process.

- 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: I have spoken at various local Federalist Society events. To the best of my knowledge, I have disclosed these in my Senate Judiciary Questionnaire.

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

Response: No.

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

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

Response: Not to my knowledge. I have never heard of the Teneo Network.

- 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.

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

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

Response: Not to my knowledge.

- 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.

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

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

Response: Not to my knowledge.

- 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.

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

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

Response: Not to my knowledge.

- 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.

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

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

Response: Not to my knowledge.

- 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.

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

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

Response: Not to my knowledge.

- 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.

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

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

Response: Not to my knowledge.

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

Response: No.

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

Response: No.

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

Response: I am unaware of any such donations in connection with my nomination and I am unfamiliar with the Concord Fund or 85 Fund. If I am confirmed, any public advocacy for or against my nomination will be irrelevant to my decision making as a judge. To the extent the question asks if such donations should be made public as a policy matter, it would not be appropriate for me as a judicial nominee to address such a policy question.

- 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: Again, I am unfamiliar with the Concord Fund or 85 Fund, and therefore I cannot provide any informed answer to this question. If confirmed, I will follow all ethical statutes, rules and opinions applicable to federal judges. To the extent that this question is addressed to whether I think such donations should be made public as a policy matter, I do not believe that it would be appropriate for me, as a judicial nominee, to address such policy questions. Otherwise, please see my answer to Question 49.d.

- 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 answers to Questions 49. d-e.

**Nomination of Gregory Cook
Nominee to the U.S. District Court for the Northern District of Alabama
Questions for the Record
Submitted August 13, 2026**

QUESTIONS FROM SENATOR WHITEHOUSE

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

1. In 2022, you said, “In 2020, when we had all of these issues with our elections, the reason was because of the local people controlling the elections. And that is the judges. That is the [state] Supreme Court Justices. That is the Probate Judges, and the Sheriffs, and the Circuit Clerks. Those are the people that run our elections. And we have to make sure that those local people who run elections are Republicans and are people that believe in the rule of law.”

- a. Do you believe Democratic election and law enforcement officials are unable to administer secure and fair elections?

Response: No.

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: To the extent that this question concerns The Federalist Society, that 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; however, I do not believe any of those persons are senior leadership of the Federalist Society. I do not have knowledge of other entities with which Leonard Leo is affiliated. With these qualifications, to the best of my knowledge, I have not spoken with anyone affiliated with, or funded by, Leonard Leo regarding my nomination.

- 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.

f. Mark Paoletta?

Response: No.

Senate Judiciary Committee
Nomination Hearing
August 5, 2026
Questions for the Record
Senator Amy Klobuchar

For Gregory Cook, to be U.S. District Judge for the Northern District of Alabama

1. Following the Supreme Court’s *Dobbs* ruling, Alabama passed a near total abortion ban that has threatened women’s health and significantly restricted access to reproductive care in the state. You have praised the *Dobbs* decision.

- What would you say to litigants who question that you can be evenhanded in applying the law, including to women trying to vindicate their rights?

Response: If I am confirmed, people in my courtroom will be able to trust that they will be treated fairly. I have a judicial record of almost four years which includes hearing over 2,000 cases where I have treated all parties fairly and impartially. Not one party has moved for my personal recusal in a case where I am sitting, and I hope that reflects parties’ trust in my fairness and impartiality. However, out of an abundance of caution, I have recused nearly 100 times over my time on the bench. Moreover, while I was campaigning, I repeatedly made it clear that I would decide cases based only on the facts and law and not any personal opinions. For example, I stated during a radio interview during my campaign that my rulings would not be based upon my personal beliefs but the law. *See Alabama’s Morning News with JT Podcast* (April 1, 2022) (stating “it doesn’t matter whether I like the result or don’t like the result...”). If I am so fortunate as to be confirmed and take the judicial oath, I will continue to set aside my personal views and provide impartial justice, seeking to get to the answer commanded by the law, not any policy preference. As a district judge, I will faithfully follow all Supreme Court and Eleventh Circuit precedent.

2. In Minnesota, we’ve made it easier – not harder – for all eligible voters to exercise their constitutional right to vote. And our state consistently leads the nation in voter turnout because we have things like no-excuse vote by mail, 46 days of early voting, and same-day registration.

The President issued an executive order to overhaul our nation’s elections and assert federal control over state-run elections. Minnesota and 18 other states sued . . . and won a preliminary injunction.

- Do you agree with what a judge wrote: “the Constitution does not grant the President any specific powers over elections”?

Response: As a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy and which appears to be

the subject of ongoing litigation. *See* Code of Conduct for United States Judges, Canons 3 and 5.

**Nomination of Gregory Cook
to the United States District Court for the Northern District of Alabama
Questions for the Record
Submitted August 19, 2026**

QUESTIONS FROM SENATOR COONS

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

Response: Yes.

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

Response: Yes, subject to applicable legal, professional, and ethical constraints.

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

Response: Yes, I believe that I have fulfilled this responsibility to the best of my ability.

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

Response: I answered all questions for the record independently.

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

Response: I believe that nominees should answer the questions for the record thoughtfully and independently. If a nominee agrees with an answer provided by a prior nominee, a verbatim answer may be appropriate.

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

Response: Yes, I reviewed the answers to questions for the record submitted by many judicial nominees in response to many Senators on the Judiciary Committee.

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

Response: Naturally, some of the answers are the same (for instance, questions which received a “yes” or “no” answer). However, each answer is my own answer.

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, I have made no representations or commitments to anyone as to how I would handle a particular case or matter if confirmed.

- 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, I was never asked my opinion on any such cases.

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

Response: Having practiced for 35 years, I have many role models for conducting myself ethically, including former judges and justices whom I greatly admire. Because I am currently an appellate judge, one of those role models is John Marshall Harlan, who was willing to dissent even if it was unpopular because he was committed to reaching the correct legal result. Examples of his dissents include *Plessy v. Ferguson* and the *Civil Rights Cases*. One of my role models for a trial judge would be United States District Judge David Proctor—for whose seat I have been nominated. Judge Proctor is an example of a lawyer-friendly judge who insisted upon lawyers treating the court and opposing counsel with respect, civility, and honesty. He was always practical, transparent, prompt, and committed to bringing every case to a just end. If I am fortunate enough to be confirmed, he will be a model for how to run my chambers and the courtroom.

6. How would you describe your judicial philosophy?

Response: When determining the meaning of the text of the law or constitutional provision, I apply its original public meaning and follow binding precedent. *See generally, United States v. Garcon*, 54 F. 4th 1274, 1277-78 (11th Cir. 2022) (en banc) (“our job is to interpret the words consistent with their ordinary meaning at the time Congress enacted the statute, unless the context in which the words appear suggests some other meaning.”). My role is to be impartial; a judge must apply the law without regard to my personal or policy views. *See generally* 28 U.S.C. § 453. These approaches are

consistent with Chief Justice Roberts' famous point regarding judicial restraint and that judges should look like umpires, avoid the spotlight and call balls and strikes. I believe a judge should be transparent with the parties about the reasons for decisions. My judicial philosophy also includes treating all litigants with respect and judicial humility which requires that I consider all arguments before making up my mind.

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: As stated in *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997), I would look to whether the right at issue is “deeply rooted in this Nation’s history and tradition” and “implicit in the concept of ordered liberty.” *See also Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 231 (2022). I would apply the binding precedent of the United States Supreme Court and the Eleventh Circuit.

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

Response: Yes.

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

Response: Yes. As to sources, I always begin with the text and any binding precedent. I am a nominee for a District Court judgeship and therefore I am bound by precedent of the United States Supreme Court and the Eleventh Circuit. If these sources do not resolve the issue, I would also find precedent by other federal courts to be informative. I would consult dictionaries of the time to understand the objective meaning of language at the time of drafting. If applicable, I would consider consulting historical sources such as the Federalist Papers and documents memorializing the debates in the state ratifying conventions. I would review the sources cited by the parties, consistent with the party presentation principle, but would expect that the parties to explain why it was legitimate for the court to consider such other sources in reaching any judgment (for instance, perhaps, the status of the common law as of the time of the enactment, or other evidence of history or tradition). At all times, I would follow any binding precedent of the Supreme Court and the Eleventh Circuit as to what sources are appropriate to consult. *See generally Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 231, 237-40 (2022).

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

Response: Yes. I would be bound by precedent to consider rights recognized by United States Supreme Court and the Eleventh Circuit. I would also consider the precedents of other Courts of Appeals and District Courts to be persuasive but not strictly precedential.

- 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: As I understand the current state of the law, the above factors from *Glucksberg, Dobbs* and subsequent cases interpreting substantive due process are the relevant test. However, I would review any other precedent or materials identified by the parties which might indicate that I should consider other factors.

- 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: I have never considered this question and therefore do not have a current opinion and would want to carefully conduct legal research before crafting a remedy. The question is also hypothetical and exceptionally broad. As a federal judicial nominee, it would not be appropriate for me to offer views on hypothetical legal disputes. *See* Code of Conduct for United States Judges, Canons 3 and 5. I can assure the Committee that I would carefully follow any applicable precedent from the Supreme Court and the Eleventh Circuit.

- 9. The 22nd 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: Donald Trump was certified as the winner of the 2016 and 2024 presidential elections by joint sessions of Congress after the Electoral College votes were counted. Therefore, he was elected to the office of 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: Three.

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

Response: He is not.

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

Response: If Congress certifies a candidate as being the winner of a presidential election, it means the candidate has been elected President. *See* U.S. Const., art. II § 1, cl. 3.

11. At your Senate Judiciary Committee hearing, Senator Blumenthal asked you who won the 2020 election. You replied that “a joint session of Congress certified that Joseph Biden won the election, and therefore as a matter of law, he was the winner.”

- a. In advance of the hearing, did you prepare a potential answer or set of answers to question(s) you might receive related to who won the 2020 election? If so, what information or sources did you use to develop your answer(s)?

Response: For all my preparation, I considered materials from prior confirmation hearings. As I mentioned during the hearing, this included reviewing video recordings on the Committee website of a number of prior hearings. I also reviewed the QFR responses of a number of nominees on the Committee website.

- b. Prior to the hearing, did anyone instruct, suggest, imply, or otherwise represent that you should avoid directly answering questions about who won the 2020 election?

Response: No.

- c. 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. In a November 5, 2022, appearance on the radio show *Politics and Moore*, you stated, “in 2020, when we had all of these issues with our elections, the reason was because of the local people controlling the elections. And that is the judges. That is the [state] Supreme Court Justices. That is the Probate Judges, and the Sheriffs, and the Circuit Clerks. Those are the people that run our elections. And we have to make sure that those local people who run elections are Republicans and are people that believe in the rule of law.”

- a. Do you still believe that there were “issues” with the 2020 election? If so, please explain what “issues” you believe were present.

Response: In Justice Ketanji Brown Jackson's answers to questions for the record filed after her confirmation hearing, she stated, when asked about commenting on the results of the 2016 and 2020 elections:

Consistent with the Code of Conduct for United States Judges and the positions taken by prior nominees, as a pending judicial nominee and a sitting federal judge, it would be inappropriate for me to publicly weigh in [on] any subject of political debate.

See Ketanji Brown Jackson, Nominee to be Associate Justice of the Supreme Court of the United States at 136-37, <https://perma.cc/77Z7-H69H>. Questions involving the 2020 election have become matters of political controversy often discussed and debated by political leaders of both parties, and are also related to ongoing litigation. Consistent with the precedent established by Justice Jackson, as a judicial nominee, it would therefore be inappropriate for me to comment today on those disputed political and legal questions.

- b. What did you mean when you said that “we have to make sure that those local people who run elections are Republicans”?

Response: This interview was done a few days before the general election in which I was running as a Republican for a seat on the Alabama Supreme Court. The Alabama Judicial System has been based upon political party elections for well over a century. The United States Supreme Court has made clear that in such contested, partisan elections, judicial candidates are entitled to announce their views on disputed legal or political issues. *See Republican Party of Minnesota v. White*, 536 U.S. 765, 788 (2002) (holding that a state's “canon of judicial conduct prohibiting candidates for judicial election from announcing their views on disputed legal and political issues violates the First Amendment”). In this interview, my goal was to convince listeners of the need to vote and particularly to vote for me. Part of that effort involved explaining to voters why their vote for a judicial office mattered, including electing people to run elections in Alabama who “believe in the rule of law.” Thus, I was explaining that the election process ultimately includes the judicial branch, which would include my position, giving them a reason to vote. Again, my meaning was simple: I wanted to convince listeners of the need to vote and vote for me. This was the primary purpose and meaning of everything I said during my campaign.

13. 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: I am unfamiliar with this quote and the context of the quote. As phrased, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. *See* Code of Conduct for United States Judges, Canons 3 and 5.

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

Response: Yes.

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

Response: The act of passing any kind of law is one for the Legislature. It would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. *See* Code of Conduct for United States Judges, Canons 3 and 5.

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

Response: If I am confirmed, I intend to follow my oath at all times and I believe that all federal judges will do the same. I also trust that the founders established the protections of Article III to protect judges against being swayed by political pressure.

- 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: I would not.

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

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

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

Response: I will refer to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and other relevant laws, regulations, and rules governing judicial conflicts and recusal when considering potential conflict and recusal questions. I would also consider consulting with my colleagues and the Administrative Office of the United States Courts, as appropriate.

15. 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: I would follow the dictates of those statutes.

- b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: If confirmed, I would faithfully apply 18 U.S.C. § 3583(e)(1). In Section 1 of the *Safer Supervision Act*, Congress determined that the “potential for early termination or other modifications of supervision, when consistent with public safety, can not only reduce burdens and save valuable judicial resources but also create positive incentives for compliance and rehabilitation consistent with the purposes of supervision.”

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

Response: Yes.

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

Response: This question is currently the subject of pending litigation. *See Perkins Coie LLP v. Dep't of Justice*, No. 25-5241 (D.C. Cir.). Therefore, as a judicial nominee, it would not be appropriate for me to comment. See Code of Conduct for United States Judges, Canons 3(A)(6). I can assure the Committee that I would carefully follow any applicable precedent from the Supreme Court and the Eleventh Circuit.

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

Response: The right to travel has been well established and explained in cases such as *Saenz v. Roe*, 526 U.S. 489 (1999), and *United States v. Guest*, 383 U.S. 745 (1966). I would follow those precedents.

- 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 have never considered this question and therefore do not have a current opinion and would need to conduct legal research. I would review the sources cited by the parties, consistent with the party presentation principle, as well as conducting my own research. I can assure the Committee that I would carefully follow any applicable precedent from the Supreme Court and the Eleventh Circuit.

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

Response: The U.S. Supreme Court has recognized a constitutional right to privacy in certain contexts. *See, e.g., Griswold v. Connecticut*, 481 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972). As a current state supreme court justice, and as a federal district judge if confirmed, I apply, and will continue to apply, all binding precedents.

- 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* and *Eisenstadt*, the Supreme Court held that the right to privacy includes the right to use contraceptives. I am bound by that precedent.

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

Response: I will be bound by the precedent of the United States Supreme Court and the Eleventh Circuit. As I understand that precedent, the public's original understanding of the meaning of the terms used in a constitutional provision govern its legal interpretation. However, the original public meaning of those words must be applied to new facts and circumstances. *See, e.g., Kyllo v. United States*, 533 U.S. 27 (2001); *United States v.*

Rahimi, 602 U.S. 680, 691 (2024). Further, the United States Supreme Court’s precedent appears to consider additional information when applying parts of the Eighth Amendment. *See, e.g., Roper v. Simmons*, 543 U.S. 551, 560-61 (2005).

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

Response: Please see my response to Question 7.b.

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

Response: The Due Process Clauses in the Fifth and Fourteenth Amendments apply to all “person[s].” 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). I would faithfully apply this and other Supreme Court precedents if confirmed.

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

Response: I would likely first enter an order setting a hearing so that the facts could be fully determined. Then, I would consider any and all appropriate sanctions, including potentially contempt. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on hypothetical cases or matters that are the subject of pending litigation. *See* Code of Conduct for United States Judges, Canons 3 and 5.

22. 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 take into account the specific facts and circumstances of the case and apply authoritative precedent from the United States Supreme Court and the Eleventh Circuit Court of Appeals. I would also review the Federal Rules of Civil Procedure concerning discovery.

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

Response: Please see my response to Question 22.

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

Response: In general, it is the job of the judicial branch to say what the law is, not what the law should be. *See Marbury v. Madison*, 1 Cranch 137, 177 (1803). However, the practical consequences of a decision may, for instance, indicate why a particular reading of the statute is implausible. Further, judges must often rule on equitable matters, including, for instance, preliminary injunctions. The factors for making such a ruling (including irreparable harm) expressly consider the practical consequences of any ruling.

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

Response: I believe that a judge's life experience should prepare them to perform the duties of the office with diligence, humility, courtesy, and integrity. However, judgments must rest on the law, including binding precedent, and the facts applied impartially.

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

Response: The judicial oath requires a judge to "administer justice without respect to persons." 28 U.S.C. § 453. Accordingly, a judge must rule according to the law, regardless of whether he or she has empathy for a particular person or position. With that said, it is important for judges to be respectful of all litigants and to understand that rulings may carry profound consequences for the lives of real people. *See generally* Code of Conduct for United States Judges, Canon 3(A)(3) ("A judge should be patient, dignified, respectful, and courteous to litigants...").

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

Response: *In re Le-Nature's Inc. v. Wachovia Cap. Mkts., LLC*, MDL Docket No. 2021, No. 2:09-MC-00162 (W.D. Pa. Sept. 16, 2009) (Ambrose, J.). I listed this matter in my SJQ. I was lead counsel for my client and we were seeking to recover approximately \$15 million in losses resulting from a sophisticated fraud scheme involving double-billing of equipment by a Pittsburgh-based beverage bottling company. Our client brought fraud claims against the investment bankers who marketed the loan (a participation agreement) and the equipment vendor that we alleged falsified its financial books. The matter began in state court and later became part of a wide-ranging multi-district litigation in federal court in Pittsburgh. It involved a large number of parties, bankruptcy, international depositions, and nearly 100 depositions. The case seemed hopeless at the beginning, and yet after five years of hard work, we recovered the losses for our client.

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

Response: I remember being a young lawyer and how much I wanted and valued such experience, and I favor oral argument. With respect to a standing order, I will consider existing standing orders, the advice of my fellow judges, and input from the bar.

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

Response: I have always endeavored to support young lawyers, and I am open to considering suggestions beyond the one described in Question 27 above.

28. Discuss your proposed hiring process for law clerks.

Response: At least at the beginning, I intend to follow my existing practice of hiring law clerks. I will accept resumes broadly and interview candidates to ensure that they are qualified and will provide a good fit in my chambers. I teach at the University of Alabama School of Law and am, therefore, frequently around law students and have let them and other law professors know that I am interested in hiring talented clerks

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

Response: As a judicial nominee, it would be inappropriate for me to opine on the policy question of whether Congress should amend Title VII of the Civil Rights Act to apply to federal judicial law clerks. However, if confirmed, I will not engage in or tolerate discrimination or harassment in my chambers.

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

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

Response: Please see my Response to Question 29.a. In addition, I would inform all my clerks and judicial assistants that they should feel free to approach me about any issue of concern, and that if they do not feel comfortable talking to me about the issue, they are free to approach another judge or a court administrator.

- 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: Given the unique employment status of federal judges, I would report the matter to the Chief Judge of my district. *See generally* Code of Conduct for United States Judges, Canon 3. I might also consult the Administrative Office of the United States Courts regarding how to address the situation. Regardless of the specific steps that may be appropriate in a particular situation, I can state in broad terms that I would not simply allow the issue to continue unaddressed.

30. 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: I condemn all acts of violence and vandalism, including the acts of violence and vandalism that were committed at the U.S. Capitol on January 6, 2021, especially with regard to law enforcement officers. However, the term “insurrection” is legal in nature and applying it to a particular event has legal consequences. *See* U.S. Const. amend. XIV, § 3. Additionally, the question of whether the events at the U.S. Capitol on January 6, 2021, were an “insurrection” has become a matter of political controversy often discussed and debated by political leaders of both parties. As a federal judicial nominee, it is thus not appropriate for me to opine on whether those events constituted an “insurrection.” *See* Code of Conduct for United States Judges, Canons 3 and 5.

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

Response: Please see my Response to Question 30 above.

31. At your Senate Judiciary Committee hearing, Senator Blumenthal asked you whether the Capitol was attacked on January 6, 2021. You replied that you “don’t have a problem with saying some of those people attacked the Capitol . . . and they attacked law enforcement. And I denounce all of that.”

- a. 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 who you agree attacked the Capitol on January 6, 2021, deserved to be pardoned?

I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

Response: As a judicial nominee, I should not opine on matters of political dispute. See Code of Conduct for United States Judges, Canons 3(A)(6), 5.

- b. 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?

Response: Please see my response to Question 31.a.

- c. If you were the President on January 20, 2025, would you have pardoned the individuals who you agree attacked 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 who you agree attacked the Capitol on January 6, 2021.

Response: Please see my response to Question 31.a.

- d. If you were the President on January 20, 2025, would you have pardoned the individuals who were convicted of assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: Please see my response to Question 31.a.

- 32. In a speech during your Alabama Supreme Court campaign, you said, “I have been a volunteer for the Republican Party my entire professional career. I don’t just talk the talk – I walk the walk. I served as a delegate for Donald Trump in 2020; I served as the General Counsel for [the Alabama Republican Party] for many years It is incredibly important that we elect a Republican to the Alabama Supreme Court.”

- a. What did you mean when you said, “[i]t is incredibly important that we elect a Republican to the Alabama Supreme Court”?

Response: I meant that I wanted the voters of Alabama to elect me.

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

Response: No. In fact, I repeatedly emphasized during my campaign that I would not make decisions based upon ideology or political affiliation. For example, on November 7, 2022, I appeared on a radio show and stated; “I’m not going to rule for Republicans, I’m going to rule for the rule of law.” *Alabama’s Morning News with JT Podcast* (Nov. 7, 2022) (provided to Committee). As a

justice on the Alabama Supreme Court, I have heard cases without fear or favor. If confirmed, I would continue to do so as a federal district court judge.

- c. Canon 5 of the Code of Conduct for federal judges says that judges should refrain from all political activity. If confirmed, do you plan to discontinue any relationships you may have with political organizations?

Response: I will follow the applicable Code of Conduct provisions and all relevant statutes in all of my activities.

33. On the website for your Alabama Supreme Court campaign, you called yourself “Trump-Tough.”

- a. What does it mean to be “Trump-Tough”?

Response: I made these statements during my campaign to be an Alabama Supreme Court Justice. I explained that I would decide cases by the “rule of law” and the “words on the page” and that I would not be swayed by public opinion or outside influences. This is what I meant by being “Trump-Tough.” I have consistently followed the rule of law, precedent, and the words on the page of our statutes, and our Constitution. I have not been swayed by public opinion or outside influences, so I believe I have done what I promised.

- b. Would you describe yourself today as “Trump-Tough”?

Response: If I am fortunate enough to be confirmed, I intend to obey the Constitution of the United States and to decide cases based upon the rule of law and not upon public opinion. I will follow all binding precedent of the United States Supreme Court and the Eleventh Circuit Court of Appeals. I will carefully obey my oath. I believe my record of voting on over 2000 matters on the Alabama Supreme Court confirms that I have done so, and I will continue to do so regardless of the court where I sit.

34. In December 2024, as a sitting Alabama Supreme Court justice, you said at a county Republican Party breakfast that President Trump’s reelection was a “wonderful relief” and that “the great national nightmare is over.”

- a. What was “the great national nightmare” you were referring to? Please be specific.

Response: As a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of political controversy. See Code of Conduct for United States Judges, Canons 3 and 5.

- b. Since you have directly expressed your support for him, will you recuse yourself from any cases involving President Trump, if confirmed?

Response: I take the duty to recuse seriously and have recused in approximately 100 matters before the Alabama Supreme Court. If confirmed, I will refer to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and other relevant laws, regulations, and rules governing judicial conflicts and recusal when considering potential conflict and recusal questions. However, as a judicial nominee, I may not at this time prejudge whether recusal may be merited in a particular case or circumstance.

35. A May 17, 2022, post on your campaign Facebook page says, “Greg Cook is proud to receive the endorsement of Alabama Citizens for Life in his race for the Alabama Supreme Court. In the endorsement letter, Board President Daniel Gardner stated, ‘Your faith-informed legal mind will be invaluable when issues arise relating to the legal protections for innocent life – this includes matters involving the protection of unborn children and medically disabled or dependent persons whose lives are threatened by abortion or euthanasia in Alabama.’” The post ended with “#prolife.”

- a. What do you understand Gardner to have meant when he stated that “[y]our faith-informed legal mind will be invaluable when issues arise relating to the legal protections for innocent life”?

Response: I am not certain. I do not recall having met Mr. Gardner nor do I recall having spoken with him about this. As I stated repeatedly, I decide cases based upon the law and the facts; I have taken an oath to do exactly that; and I believe that my religious faith reinforces that approach. This is what I understand Board President Gardner to have meant.

- b. What role, if any, should a judge’s faith play in his or her judicial decision-making?

Response: Judges should decide cases based only upon the law and the facts. As a Justice on the Alabama Supreme Court, I have sworn an oath to follow both the Constitutions of Alabama and the United States. If I am fortunate enough to be confirmed, I will swear another oath to follow the Constitution and laws of the United States. The role my faith plays is expressed in that oath where I ask for God’s help to fulfill those very promises by stating “so help me God.” Thus, my faith reinforces my solemn duty to follow the rule of law. In addition, my faith compels me to treat each individual before me with respect and civility. For most persons, their time in court will probably be one of the most stressful events of their lifetime. It is my obligation to treat them respectfully (and to ensure that others treat them respectfully) in the courtroom. Finally, I believe my faith requires that I do my job to the best of my ability and work as hard as necessary to get the answer right.

- c. Would you agree that this endorsement and post create at least the appearance of partiality with respect to cases involving reproductive healthcare procedures like abortion?

Response: As I note above, I will refer to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and other relevant laws, regulations, and rules governing judicial conflicts and recusal and carefully consider all potential conflict and recusal questions, including any potential appearance of partiality. My record in nearly four years on the Alabama Supreme Court demonstrates that I take recusals very seriously. However, as a federal judicial nominee, it is not appropriate for me to prejudge whether recusal may be merited in a particular case or circumstance, especially given that this question is phrased broadly as a topic (“reproductive healthcare procedures”). *See also Republican Party of Minnesota v. White*, 536 U.S. 765, 777-78 (2002), citing *Laird v. Tatum*, 409 U.S. 824, 835 (1972) (memorandum opinion).

- d. Are you currently recusing yourself from cases involving reproductive healthcare procedures, given your stated beliefs on the topic?

Response: I do not have a standing recusal order regarding particular issues and instead consider whether to recuse because of a particular issue on an individual case by case basis. Further, I do not recall any party filing a motion specifically seeking my personal recusal in a case which I was sitting at any time while I have been on the Court. Nevertheless, as I note in my SJQ responses, I consider recusal independently and have thus recused approximately 100 times in my four years on the bench.

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

Response: See Response to Question 35.c and d.

36. In your Senate Judiciary Questionnaire, you note that just 3% of your practice has involved criminal proceedings.

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

Response: I respectfully disagree with the premise of this question. I have been a sitting Alabama Supreme Court Justice for almost four years. In that time, I have considered over 2,000 matters. More than 20% of these cases are criminal cases and thus I have voted on approximately 400 criminal matters. Therefore, I do not agree that I have “so little experience with criminal cases.”

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

Response: As noted above, I respectfully disagree with the premise of this question. Regardless, I intend to use all available resources of the Administrative Office to become the best federal district judge that I can be. I will also consult with my judicial colleagues for advice and participate in seminars or training offered to federal judges with respect to criminal matters. It is also my current intent to hire one permanent career clerk who has been a part of a prior district judge's chambers to assist in making myself familiar with all aspects of being a federal judge, including criminal procedure.

Questions for the Record for Justice Gregory Carl Cook
Submitted by Senator Richard Blumenthal
August 12, 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: The Supreme Court has stated that under 28 U.S.C. § 455(a), “what matters is not the reality of bias or prejudice but its appearance.” *Liteky v. United States*, 510 U.S. 540, 548 (1994). “This inquiry is an objective one, made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances.” *Microsoft Corp. v. United States*, 530 U.S. 1301, 1302 (2000). If I am fortunate enough to be confirmed, I will consider actual or potential conflicts of interest by looking to the relevant laws, rules, and practices, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges and would follow all binding precedent, including *Microsoft Corp.* 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: Please see my response to Question 1.

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

Response: Please see my response to Question 1.

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

Response: Please see my response to Question 1.

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

Response: If I am fortunate enough to be confirmed, I will follow all relevant laws, rules, and ethical obligations concerning federal judges.

- a. 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.

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

Response: Please see my Response to Question 2.

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

Response: 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.

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

Response: If I am fortunate enough to be confirmed, I will follow all relevant laws, rules, and ethical obligations concerning federal judges.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House

Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

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

Response: The Supreme Court has previously stated “[t]he 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.” *Bessette v. W. B. Conkey Co.*, 194 U.S. 324, 327 (1904) (quoting *Ex parte Robinson*, 86 U.S. (19 Wall.) 505, 510 (1873)). If confirmed, I will abide by and follow all binding precedent.

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

Response: Federal judges are limited by applicable statutes, rules, and precedent in deciding whether to issue contempt orders, including as to any government official who defies a court order. As a judicial nominee, it would be inappropriate for me to opine on these limitations. *See* Code of Conduct for United States Judges, Canons 3 and 5.

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

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

Response: Yes.

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

Response: Yes.

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

Response: When proper processes are followed, federal courts have the power to order sanctions, including, for instance, through civil contempt and criminal contempt proceedings. Courts may also order litigants or parties to appear and show cause as to whether they have complied with an order or otherwise provide information regarding compliance efforts.

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

Response: Generally, a litigant must follow court orders issued in a proceeding to which the litigant is a party. There is a narrow group of circumstances in which it might be appropriate for a litigant, including an Executive Branch Official, to fail to follow a court order. For example, sometimes an order can only be appealed if it is violated. *See Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

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

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

- d. What would make a court order unlawful?

Response: It is difficult to provide a comprehensive answer to this question. In broad strokes, a court order could be unlawful if the issuing court lacked jurisdiction or committed a reversible error when interpreting the law or adjudicating issues of fact.

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

Response: Speaking generally, a party who believes a court order is unlawful may seek reconsideration, a stay, or appellate review. Please also 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 Questions 5.b-c.

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.

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

August 5, 2026

Questions for Gregory Cook (U.S. District Court for the Northern District Court of Alabama):

1. The following are yes or no questions related to the 2020 election:

- a. According to Wisconsin's certified 2020 General Election results, did Joe Biden receive more than 19,000 votes more than Donald Trump?

Response: I have no personal knowledge of Wisconsin's certified election results. Based solely on public reporting, I understand 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 above.

- 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 above.

- d. According to Arizona's certified 2020 General Election results, did Joe Biden receive more than 10,000 votes more than Donald Trump?

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

- 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 above.

- 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 above.

- g. Setting aside the precise vote totals, do you accept that, according to each state's certified results, Joe Biden received more votes than Donald Trump in Wisconsin,

Pennsylvania, Georgia, Arizona, Nevada, and Michigan in the 2020 General Election?

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

- h. 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: Congress certified the electoral college vote in favor of Joe Biden in the 2020 election and he served as president from 2021 to 2025. Justice Ketanji Brown Jackson stated in her response to a similar question: “[c]onsistent with the Code of Conduct for United States Judges and the positions taken by prior nominees, as a pending judicial nominee ..., it would be inappropriate for me to publicly weigh in [on] any subject of political debate.” Ketanji Brown Jackson, Nominee to be Associate Justice of the Supreme Court of the United States at 136-37, <https://perma.cc/77Z7-H69H>. Questions involving who won the popular vote in the 2020 election have become matters of political controversy often discussed and debated by political leaders of both parties, and are also related to ongoing litigation. Consistent with the precedent established by Justice Jackson, as a judicial nominee, it would therefore be inappropriate for me to comment on those disputed political and legal questions. Moreover, even if I were permitted to answer this question, I do not have firsthand knowledge related to the 2020 election in any particular state, except for Alabama.

- 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: A joint session of Congress certified that Joe Biden won the 2020 election after counting the Electoral College votes and he served as the 46th President of the United States. Beyond that, please see my responses to Question 1.h above.

- 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: Please see my responses to Question 1.h above.

- 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: Please see my responses to Question 1.h above.

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: Please see my responses to Question 1.h above.

- 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 responses to Question 1.h above.

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: During my campaign, I spoke at over 200 events in all 67 counties in Alabama and did a large number of media interviews. Many of these were five or more years ago and the speeches sometimes involved informal question and answer sessions. I do not have specific recollection of the entirety of each event or interview. With that said, I do not believe that I have publicly questioned or disparaged the outcome of the 2020 election, Congress's certification, or any legal challenge to the outcome of the election.

7. To the extent you would decline to answer any election-related question on the ground that the 2020 result is a "subject of political debate," please identify what you believe remains genuinely debatable about whether Joe Biden received more votes than Donald Trump in the states at issue, given that those results were certified by the responsible state officials and upheld in more than sixty state and federal proceedings.

Response: Please see my response to Question 1.h and 6 above.

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

Response: The U.S. Supreme Court has recognized a constitutional right to privacy in certain contexts. *See, e.g., Griswold v. Connecticut*, 481 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972). The Court's decisions have located those protections in several constitutional provisions, including the Due Process Clause of the Fourteenth Amendment. As a current state supreme court justice, and as a federal district judge if confirmed, I apply, and will continue to apply, all such binding precedents.

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

Response: *Griswold* is binding U.S. Supreme Court precedent. I have applied and will continue to apply all binding precedents as a state supreme court justice, and if confirmed, as a federal district judge. Beyond that, consistent with the positions of prior nominees, I believe it is inappropriate for me to opine on the merits of United States Supreme Court opinions.

9. What judges or justices would you consider foundational to your judicial philosophy, and why?

Response: Former Justice Antonin Scalia was a jurist whose writings have been foundational to my judicial philosophy. His interpretative methodology has been key in developing how I approach cases. I consider myself bound to the text of the Constitution, statutes, and prior precedential decisions by higher courts. Justice Scalia explained that courts should look to the meaning of the words of the text as they were understood by the public at the time the statute or constitutional provision was enacted or ratified. Justice Scalia's rulings also demonstrate that it is critical for a judge to follow the rule of law, regardless of public sentiment or opinion—even if he or she is a lone dissent. *See, e.g., Morrison v. Olson*, 487 U.S. 654 (1988).

10. 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 I am confirmed, I will faithfully follow the Supreme Court's binding precedent on such topics, just as I have while serving on the Alabama Supreme Court. *See, e.g., Griswold v. Connecticut*, 381 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022). To the extent this question seeks my personal views, as a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of legal and political controversy. *See* Code of Conduct for United States Judges, Canons 3 and 5.

11. 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: Everyone should be afforded the opportunity to be considered to serve in the judicial branch based on their ability without regard to race, sex, ethnicity,

religion, or other protected characteristics.

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

Response: Yes.

- c. Since becoming an associate justice on the Alabama Supreme Court, you've staffed your own judicial chambers. Describe how you found your clerks. Did you consider candidates from various law schools and backgrounds, including first-generation lawyers?

Response: As an Alabama Supreme Court Justice, I have sought and accepted clerk resumes broadly. I then interview the best candidates to ensure that they are qualified and will provide a good fit in my chambers. I have been fortunate to receive excellent resumes and have been able to choose among several talented candidates each year. I also currently teach at the University of Alabama School of Law which results in the submissions of resumes. I have made it known in the bar, among other judges, and among various law professors that I am interested in hiring talented clerks. I will always consider candidates from various law schools and backgrounds, including first-generation lawyers. I am a first-generation lawyer. In fact, all but one of the clerks that I have hired during my time on the Alabama Supreme Court have been first-generation lawyers.

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

Response: Yes.

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

Response: I strongly hold the views discussed in my Response to Question 11.a and have a positive record with my current and former clerks. If confirmed, I will continue to apply those principles in selecting and working with future law clerks.

12. I want to give you an opportunity to discuss your views on the 22nd Amendment.

- a. What does the 22nd 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: Twice.

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

Response: No.

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

Response: I would not have any hesitation ruling against any person regardless of that individual's political standing or the political consequences of the decision, regardless of the subject matter of the case. If confirmed, I will decide cases based on the law and the facts, not based on personalities or politics.

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

Response: If confirmed, I will treat all litigants and counsel with dignity and respect, and all litigants and counsel will receive a full and fair consideration.

14. 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: Yes. The U.S. Supreme Court 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). As a state supreme court justice, and if confirmed as a federal district judge, I have and will continue to apply all binding precedents.

15. 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: I will treat every person who appears before me with the dignity, respect, and protection that the United States Constitution, the law, my oath, and the judicial ethics rules require.

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

Response: Among other things, a federal judge could hold a fact-finding hearing, order compliance, sanction if appropriate, or initiate contempt proceedings after providing proper notice and a hearing. The judge should follow the Federal Rules of Civil Procedure (and potentially the Federal Rules of Criminal Procedure), 18 U.S.C. § 401, and applicable precedent. The appropriate recourse largely depends on the circumstances of the matter and governing law. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on hypothetical cases. *See* Code of Conduct for United States Judges, Canons 3 and 5.

17. In the documents you provided the Senate Judiciary Committee, have you identified every publicly accessible -- or previously publicly accessible -- social media, blog, forum, or other online account that you have created, maintained, controlled, contributed to, or posted under, on any platform?

If not, 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. 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 private social media accounts that I occasionally use with family and friends. My campaign created a Facebook and Instagram account which still remain accessible and have been renamed to be consistent with my current position (Justice Greg Cook), but those have remained mostly dormant since my campaign. I have disclosed all responsive materials to this Committee through my Senate Judiciary Questionnaire.

18. 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 does so on your behalf? If so, please identify the account and describe what was changed or removed and when.

Response: No, not to my knowledge.

19. In 2021 and 2022 you campaigned as a partisan to win your seat on the Alabama Supreme Court. During a radio interview, you said that while campaigning, "the first thing I tell [voters] is I'm a Republican. I don't just talk about being a Republican, I walk the walk." As a federal judge, how will you adjust your approach to ensure that anyone who enters your courtroom feels confident in your impartiality regardless of their political preferences or any partisan stakes in a proceeding before you?

Response: Partisan politics and ideology have no place in the courtroom. As I understand the applicable rules, a federal judge must end all involvement in politics. I have already reviewed Section 10 in the *Ethics Deskbook for United States Judges* (First Ed. 2020) entitled "Off the Bench: Politics" (p. 101- 104) and I intend to abide by all relevant requirements. While the Alabama political system requires candidates to be elected in partisan elections, I have already made it clear by public statements and in my record of voting in over 2,000 matters, that I do not consider political affiliations in reaching an outcome in a case. For instance, I appeared on the radio during my campaign on November 7, 2022 and stated: "I'm not going to rule for Republicans, I'm going to rule for the rule of law." *Alabama's Morning News with JT Podcast* (Nov. 7, 2022) (provided to Committee).

20. During your Alabama Supreme Court campaign, you stated during a radio appearance that you had “been in at least two hundred polling places”, had “conducted recounts”, and had personally “been the hotline on Election Day for the Republican Party” for thirty years.

- a. In all your years of experience, how many times did you find fraud that did or would have changed the outcome of an election?

Response: This question would require me to speculate about what would, or would not, have changed the outcome of an election. As phrased, this question seeks comment on a matter of political controversy and because I am a federal judicial nominee, it would be inappropriate for me to respond. See Code of Conduct for United States Judges, Canons 3 and 5.

21. During a podcast appearance, you seemed to agree with an apparent claim by former Congressman Mo Brooks that there have been “over a million cases” of noncitizens voting in elections, when you stated the following in an interview with Breitbart News:

“And the other area that concerns me, Congressman [Mo] Brooks has said this before, is illegal aliens. The Help America Vote Act was passed ... in the early 90s, and it essentially said, you can register to vote when you get your driver’s license. Places like California, you can get your driver’s license, even if you’re an illegal alien, and they made it so easy to register to vote, that sometimes you register to vote when you didn’t even intend to do that. That happens in those states, and he thinks it’s over a million cases.”

- a. In your thirty years supervising polling places, how many noncitizens did you personally encounter attempting to vote?

Response: I do not recall having such a personal encounter.

- b. What evidence have you reviewed that justifies your repeating of a claim that over one million votes have been cast by noncitizens in American elections?

Response: I respectfully disagree with this characterization of my comments. My statement makes it clear that I was merely indicating that a sitting Alabama Congressman had made this statement. My quote makes clear that I had no personal knowledge about whether there are over a million cases, instead my quote indicates what the Congressman “thinks.”

- c. Do you continue to believe that voter fraud is occurring at that scale? If so, what explains that belief?

Response: As phrased, this question seeks comment on a matter of political controversy and because I am a federal judicial nominee, it would be

inappropriate for me to respond. *See* Code of Conduct for United States Judges, Canons 3 and 5.

- d. Did you personally witness anything that makes you doubt whether the 2020 election, or any presidential election, was free and fair? If so, please explain.

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

22. Senator Tuberville interviewed you and recommended you to the White House. His residency case is pending before the Alabama Supreme Court.

- a. Since beginning to pursue this vacancy and interviewing with Senator Tuberville, have you participated in Senator Tuberville's legal case in any way?

Response: No. In fact, I have already publicly recused from the case, and I commit to continue recusing in that case and, more broadly, to the matter.

- b. Will you commit to recusing yourself from Senator Tuberville's case going forward?

Response: Yes.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Gregory Carl Cook
Hearing on “Nominations”
Wednesday, August 5, 2026

1. On May 17, 2022, you posted that you were proud to receive Alabama Citizens for Life’s support in your race for the Alabama Supreme Court. You tagged the post as “#prolife.”

- a. Please explain what factors have informed your judicial approach on the Alabama Supreme Court.

Response: When determining the meaning of the text of the law or constitutional provision, I apply its original public meaning and follow binding precedent. *See generally, United States v. Garcon*, 54 F. 4th 1274, 1277-78 (11th Cir. 2022) (en banc) (“our job is to interpret the words consistent with their ordinary meaning at the time Congress enacted the statute, unless the context in which the words appear suggests some other meaning.”). My role is to be impartial; a judge must apply the law without regard to my personal or policy views. *See generally* 28 U.S.C. § 453. These approaches are consistent with Chief Justice Roberts’ famous point regarding judicial restraint and that judges should look like umpires, avoid the spotlight and call balls and strikes. I believe a judge should be transparent with the parties about the reasons for decisions. My judicial approach has also included treating all litigants with respect and judicial humility which requires that I consider all arguments before making up my mind.

- b. Alabama Citizens for Life supports Alabama’s Human Life Protection Act, which bans nearly all abortions in the state and does not exempt abortions of pregnancies that arose through rape or incest. Do you agree with their position?

Response: As a federal judicial nominee, it would be inappropriate for me to opine on this question because it asks me to comment on a matter of political controversy and potential litigation. *See* Code of Conduct for United States Judges, Canons 3 and 5.

2. In November 2022, on an episode of Shannon Moore’s radio show *Politics and Moore* episode, you told Ms. Moore that, while you were campaigning for the Alabama Supreme Court, you tell people “I’m not just somebody that says they’re Republican. I’ve been doing this for 30 years.” Given the above statement, please explain how you will be able to perform your duties if you are confirmed as a federal district court judge in an impartial and nonpartisan manner.

Response: If I am confirmed, people in my courtroom will be able to trust that they will be treated fairly. I have a judicial record of almost four years which includes hearing over 2,000 cases where I have treated all parties fairly and impartially. Not one party has moved for my personal recusal in a case where I am sitting, and I hope that reflects

parties' trust in my fairness and impartiality. However, out of an abundance of caution, I have recused nearly 100 times over my time on the bench. Moreover, while I was campaigning, I repeatedly made it clear that I would decide cases based only on the facts and law and not ideology. For instance, I appeared on the radio during my campaign on November 7, 2022 and stated: "I'm not going to rule for Republicans, I'm going to rule for the rule of law." *Alabama's Morning News with JT Podcast* (Nov. 7, 2022) (provided to Committee). If I am so fortunate as to be confirmed and take the judicial oath, I will continue to set aside my personal views and provide impartial justice, seeking to get to the answer commanded by the law, not any policy preference. As a district judge, I will faithfully follow all Supreme Court and Eleventh Circuit precedent.

3. In response to a questionnaire from iVoterGuide, you said that "I fear that some prior court decisions have construed the 'establishment' clause so broadly that it is infringing on the 'free exercise' clause. I hope the U.S. Supreme Court will begin to revisit its 'establishment' caselaw and I would intend to review cases in light of my fear of infringing on the free exercise clause."

- a. Please explain what you meant by this statement.

Response: I believe that I originally answered the iVoterGuide questionnaire in May of 2022. To the best of my recollection, my comment was in reference to *Lemon v. Kurtzman*, 403 U.S. 602 (1971). The Supreme Court subsequently revisited *Lemon*, announcing in June 2022 that *Lemon* had been overruled in *Kennedy v. Bremerton School District*, 597 U.S. 507, 510 (2022) ("this Court long ago abandoned *Lemon* and its endorsement test offshoot.").

More generally, there is substantial legal scholarship on the potential for tension between the Establishment Clause and the Free Exercise Clause. Among many perspectives, Stanford Law Professor (and former Judge of the Tenth Circuit Court of Appeals) Michael McConnell has written on this topic. *See, e.g., Michael McConnell, New Book from SLS's Michael McConnell Argues the Establishment Clause Should Promote Pluralism, not Secularism* (July 11, 2023), <https://law.stanford.edu/2023/07/11/new-book-from-slss-michael-mcconnell-argues-the-establishment-clause-should-promote-pluralism-not-secularism/> ("The Supreme Court has said on many occasions that the Establishment Clause is in tension with the Free Exercise Clause ...").

- b. If confirmed, will you follow Supreme Court precedent in lieu of revisiting established caselaw?

Response: If confirmed as a federal district judge, I will faithfully follow all precedent of the United States Supreme Court and the Eleventh Circuit.

4. You estimated that you have been a member of the Federalist Society since 1989. Please describe the extent of your involvement in the organization, including any leadership roles you have assumed.

Response: Because the question seeks information for a long period of time, I do not remember every event or interaction with the Federalist Society. However, in general, my role has been as a member of the Federalist Society. As a law student, I frequently attended their meetings, and I served as the Executive Editor of the Harvard Journal of Law and Public Policy, which is published by the Federalist Society. As a lawyer, I have attended many local events over the years, although less regularly than during law school. I have also attended both the National Lawyer Conference and the Alabama statewide meeting a handful of times, I estimate three times each. After becoming a justice on the Alabama Supreme Court, I have spoken to local chapters in Alabama, the Harvard Law School Chapter, and the Columbia Law School Chapter. These speeches were included in my SJQ. I also attended two events for State Supreme Court Justices. Finally, I served as a member of the Advisory Board of one of the local chapters.

5. You stated in your Senate Judiciary Questionnaire that you were a volunteer for the George W. Bush campaign and Republican National Committee during the Florida recount. Please explain the nature of your work and responsibilities in this role.

Response: Because of the passage of time, my recollection of specifics is not precise, for instance, I am not certain of the number of days that I was in Florida for the recount. I left before the conclusion of the recount and my time in Florida was less than a week. I recall that I volunteered with the campaign to assist in the recount effort. I was sent to Palm Beach County, Florida. My primary role was what I would describe as a recount observer. Among the materials which I provided to the Committee is a contemporaneous Birmingham News article from November 26, 2000, which contains quotes from me and a fellow attorney describing our experiences in this effort.

Questions for the Record

Gregory Cook – Nominee to the U.S. District Court for the Northern District of Alabama
Sen. Adam Schiff (D-CA)

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

Response: This is a broad question and I am unaware of a uniform definition in federal law and thus a precise definition could vary by context. However, a definition from one federal statute is: “The term ‘corruption’ means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.” 22 U.S.C. § 10501(3).

- a. If one of your law clerks used their position to give or steer money to their friends, would you consider that public corruption?

Response: I believe this would be unethical and unlawful and would report such actions to the appropriate legal authorities. To the extent you are asking for a legal conclusion, I would need more information to determine exactly what type of wrongdoing occurred.

2. Do you agree that Article III Courts are courts of limited subject-matter jurisdiction?

Response: Yes.

- a. Describe the Article III cases and controversies requirement.

Response: Article III of the United States Constitution provides that “[t]he judicial Power” of federal courts extends to “Cases” and “Controversies.” This implicates, among other things, the doctrines of standing, ripeness, mootness, and whether the case involves a political question or some other nonjusticiable dispute. *See generally DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 352 (2006). As an example, the United States Supreme Court has explained that, to have standing under Article III, a plaintiff “must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016).

- b. Are federal courts limited to cases and controversies where the parties have adverse legal interests?

Response: The Supreme Court has stated that Article III requires a concrete dispute between opposing parties. *See United States v. Windsor*, 570 U.S. 744, 755 (2013). Therefore, the answer is, in general, yes; however, there may be nuances including certain ex parte or uncontested matters (naturalization proceedings, search warrant approval), and (sometimes) when a party stops defending an action. *See id.*

- c. Would a lawsuit where the plaintiff and defendant are the same individual be frivolous?

Response: I have not encountered this situation in my 35 years of practice. If this situation were to arise in a case before me, I can assure the Committee that I would carefully research and then follow any applicable precedent from the United States Supreme Court and the Eleventh Circuit.

- d. How does the legal profession typically respond to frivolous lawsuits?

Response: Federal district courts have several tools to respond to frivolous lawsuits or actions by counsel. These include, for example, sanctions under Rule 11 of the Federal Rules of Civil Procedure, contempt sanctions, and the ability to refer counsel to disciplinary authorities if warranted.

- 3. How would you describe your judicial philosophy?

Response: When determining the meaning of the text of the law or constitutional provision, I apply its original public meaning and follow binding precedent. *See generally, United States v. Garcon*, 54 F. 4th 1274, 1277-78 (11th Cir. 2022) (en banc) (“our job is to interpret the words consistent with their ordinary meaning at the time Congress enacted the statute, unless the context in which the words appear suggests some other meaning.”). My role is to be impartial; a judge must apply the law without regard to my personal or policy views. *See generally* 28 U.S.C. § 453. These approaches are consistent with Chief Justice Roberts’ famous point regarding judicial restraint and that judges should look like umpires, avoid the spotlight and call balls and strikes. I believe a judge should be transparent with the parties about the reasons for decisions. My judicial philosophy also includes treating all litigants with respect and judicial humility which requires that I consider all arguments before making up my mind.

- 4. How would you describe your philosophy regarding statutory interpretation?

Response: I consider myself a textualist and seek the original public meaning of the text at issue.

- a. What methodology do you use to ensure your rulings are predictable and properly constrained within the bounds of the law?

Response: See my answer to Question 3 above.

- 5. When confronted with an ambiguous statute, how do you consider legislative history in your decision-making process?

Response: Statements made by individual legislators are not law. However, the Eleventh Circuit has stated that “[w]e may consult legislative history to elucidate a statute’s ambiguous or vague terms, but legislative history cannot be used to contradict unambiguous statutory text or to read an ambiguity into a statute which is otherwise clear on its face.” *Garcia v. Vanguard Car Rental USA, Inc.*, 540 F. 3d 1242, 1247 (11th Cir. 2008). I will abide by the binding precedent of the United States Supreme Court and the Eleventh Circuit on whether to consider legislative history.

6. How do you define judicial activism?

Response: “Judicial activism” refers to the practice of judges deciding cases based on their preferred outcome due to personal policy or moral preferences, especially when the judge’s ruling creates new law, rather than following applicable law and binding precedent.

7. Supreme Court Justice Clarence Thomas has argued that a judge has a constitutional duty to overrule past United States Supreme Court precedent if it is “demonstrably erroneous,” regardless of *stare decisis*.

a. Do you agree with this argument? Why or why not?

Response: The decision to overrule United States Supreme Court precedent resides with the justices of the United States Supreme Court. If confirmed as a district court judge, I would have no role in that decision. As a lower court judge, I would be bound to fairly and faithfully follow all binding United States Supreme Court and Eleventh Circuit precedents. To the extent this question calls for a response expressing an opinion on a legal issue or a matter of political controversy, it would be inappropriate for me, as a judicial nominee, to offer a view. *See* Code of Conduct for United States Judges, Canons 3 and 5.

b. If you do agree, what factors would you consider to determine if precedent is “demonstrably erroneous”?

Response: Please see my Response to Question 7.a.

c. What is your approach to considering *stare decisis*?

Response: Please see my Response to Question 7.a. As to my current approach on the Alabama Supreme Court, *see generally Springhill Hospitals, Inc. v. West*, 388 So. 3d 648, 693 at n.34 (Ala. 2023) (Cook, J., concurring in part and dissenting in part) (explaining, without deciding, why particular existing precedent should not be overruled and citing Bryan A. Garner et al., *The Law of Judicial Precedent* at 333 & 352 (Thomson Reuters 2016)).

8. You served the Alabama Republican Party for approximately 15 years, including four years as its general counsel. During your 2022 campaign to be a Justice on the Alabama

Supreme Court, your judicial campaign website stated that judges should be “boring and predictable” and “call balls and strikes.” Yet you also described yourself as, “Trump-Tough.”

- a. What did you mean when you stated that judges should be “boring and predictable” and “call balls and strikes?” How has that philosophy informed your role and work as a Justice on the Alabama Supreme Court?

Response: I believe my role is to exercise judicial restraint and follow the text of the law and any binding precedent. This means that a judge should apply the law without regard to the judge’s personal or policy views. As Justice Scalia famously stated: “The judge who always likes the results he reaches is a bad judge.” This is a quote which I have used in more than one speech and in a concurrence. It also means being willing to take positions on hard issues, even when the majority of my Court disagrees with me. A few examples which show how I have been willing to take positions on hard issues since joining the Alabama Supreme Court include: *Ex parte Grimes*, --- So. 3d ---, 2026 WL 708220 (Ala. March 13, 2026) (Cook, J., concurring in part and dissenting in part) (arguing that the trial court had failed to make sufficient findings to deny bail to foster parents accused in capital murder case of special needs child); *LePage v. Ctr. for Reprod. Med., P.C.*, 408 So. 3d 678 (Ala. 2024) (Cook, J., dissenting); *Puckett v. Bd. of Trs. of Univ. of Alabama for its Div. Univ. of Alabama*, 408 So. 3d 730 (Ala. 2024) (Cook, J. dissenting) (dissenting to dismissal of lawsuit brought by victim to dispute hospital lien by state owned hospital); *Johnson v. Alabama Sec’y of Lab. Fitzgerald Washington*, 387 So. 3d 138 (Ala. 2023) (Cook, J., dissenting), rev’d and remanded sub nom. *Williams v. Reed*, 604 U.S. 168 (2025) (sole dissent and arguing against dismissal in case raising section 1983 claim; United States Supreme Court granted certiorari and reversed). Ultimately, being boring and predictable is about judicial restraint and is therefore consistent with Chief Justice Roberts’ famous point that judges should look like umpires and only call balls and strikes.

- b. What did you mean when you described yourself as “Trump-Tough.” How has that philosophy informed your role and work as a Justice on the Alabama Supreme Court?

Response: I made these statements during my campaign to be an Alabama Supreme Court Justice. I explained that I would decide cases by the “rule of law” and the “words on the page” and that I would not be swayed by public opinion or outside influences. This is what I meant by being “Trump-Tough.” I have consistently followed the rule of law, precedent, and the words on the page of our statutes, and our Constitution. I have not been swayed by public opinion or outside influences, so I believe I have done what I promised.

- c. Of the current members of the United States Supreme Court, which justices, if any, would you classify as “boring and predictable” and which justices, if any, would you classify as “Trump-Tough”?

Response: I have tremendous respect for all members of the United States Supreme Court and will faithfully follow each of the Court's rulings.

- d. Do you see a contradiction between your statements that judges should be “boring and predictable” and “call balls and strikes” and your characterization of yourself as “Trump-Tough?”

Response: No, because, as I mentioned, I intended “Trump Tough” to mean that I would not change my opinion even if it was unpopular or there were outside influences and I would, instead, consistently apply the rule of law and binding precedent -- which is boring and predictable -- regardless of any political or personal cost.

- e. Which one of these philosophies have you implemented in your judicial career?

Response: I have been boring and predictable and I have not been swayed by public opinion or outside influences. Instead, I have followed the rule of law –in the text of statutes on the page and binding precedent.

- f. Which one of these philosophies do you plan to implement if confirmed as a U.S. District Court judge?

Response: If I am fortunate enough to be confirmed, I intend to obey the Constitution of the United States and to decide cases based upon the rule of law and not upon public opinion or the benefits of any person. This includes following any binding precedent of the United States Supreme Court and the Eleventh Circuit Court of Appeals. I will carefully obey my oath. I believe my record of voting in over 2,000 matters on the Alabama Supreme Court demonstrates that I have done so and will continue to do so regardless of the court where I sit.

- 9. In November 2021, you delivered remarks at a Federalist Society Meeting at Cumberland School of Law, where you stated that the phrase “rule of law” “belongs to conservatives” and is a “core principle of conservatism.”

- a. How do you define the “rule of law?”

Response: It means following the text of the law and any binding precedent; it means applying the law impartially; and it means that the law should not surprise anyone. During my investiture for the Alabama Supreme Court, I discussed this issue and I stated the following (this speech has been provided to the Committee):

The Rule of Law means laws should be written in advance. Nobody should be surprised when our Court rules. As I have said over and over, I am boring and predictable. (Some of you are probably starting to believe that right about now.) (PAUSE) And, I am going to tell you that it is for the good of the Court for me to *remain* boring and predictable. As Justice Scalia once said: “The judge who always likes the results he reaches is a bad judge.” And I do not intend to be a bad judge. Justice Scalia was not saying anything new; he was really saying, “Follow the Rule of Law.”

10. You have previously stated that Democrats “think the United States is evil” and “think our government is suppressive.”

- a. What evidence backs up your claim that Democrats “think the United States is evil”?

Response: This is not what I stated. The line of questioning by the radio host referred to the “far left” and I responded and used the word “they” which referred back to the “far left.” *See Politics and Moore* (Nov. 5, 2022) (provided to the Committee).

- b. Do you think all voters registered with the Democratic party “think the United States is evil”?

Response: No.

- c. How will you assure litigants who appear before you that you will fairly and independently hear their cases?

Response: If I am confirmed, people in my courtroom will be able to trust that they will be treated fairly. I have a judicial record of almost four years which includes hearing over 2,000 cases where I have treated all parties fairly and impartially. *See also* Response 8.a (listing examples). Not one party has moved for my personal recusal in a case where I am sitting, and I hope that reflects parties’ trust in my fairness and impartiality. However, out of an abundance of caution, I have recused nearly 100 times over my time on the bench. Moreover, while I was campaigning, I repeatedly made it clear that I would decide cases based only on the facts and law and not ideology. For instance, I appeared on the radio during my campaign on November 7, 2022 and stated: “I’m not going to rule for Republicans, I’m going to rule for the rule of law.” *Alabama’s Morning News with JT Podcast* (Nov. 7, 2022) (provided to Committee). If I am so fortunate as to be confirmed and take the judicial oath, I will continue to set aside my personal views and provide impartial justice, seeking to get to the answer

commanded by the law, not any policy preference. As a district judge, I will faithfully follow all Supreme Court and Eleventh Circuit precedent.

11. In April 2026, you participated in a panel at Harvard Law School's Faith and Veritas Seminar where you discussed how your Christian faith has shaped your legal and judicial career. During your Senate Judiciary Committee nomination hearing, you also made a reference to your Christian faith, noting you wanted to "thank Jesus Christ, my personal Savior, who is the reason I am here today."

- a. What role do you intend for your Christian faith to play if confirmed as a U.S. District Court judge?

Response: Judges should decide cases based only upon the law and the facts. As a Justice on the Alabama Supreme Court, I have sworn an oath to follow both the Constitutions of Alabama and the United States. If I am fortunate enough to be confirmed, I will swear another oath to follow the Constitution and laws of the United States. The role my faith plays is expressed in that oath where I ask for God's help to fulfill those very promises by stating "so help me God." Thus, my faith reinforces my solemn duty to follow the rule of law. In addition, my faith compels me to treat each individual before me with respect and civility. For most people, their time in court will probably be one of the most stressful events of their lifetime. It is my obligation to treat them respectfully (and to ensure that others treat them respectfully) in the courtroom. Finally, I believe my faith requires that I do my job to the best of my ability and work as hard as necessary to get the answer right.

- b. What role, if any, should faith and religious beliefs play in judicial decision-making?

Response: See Response to Question 11.a.

- c. If there is a conflict between an applicable federal statute and a judge's understanding of their own faith, irrespective of religion or sect, which would be appropriate for them to apply as a federal judge?

Response: See Response to Question 11.a.

12. During your Alabama Supreme Court campaign, you expressed pride at receiving the endorsement of Alabama Citizens for Life. This group has supported Alabama's near-total ban on abortion, which does not include exceptions for rape or incest, and imposes up to life imprisonment for providers who perform a banned abortion.

- a. In a Facebook post, you noted that the president of Alabama Citizens for Life had written that "[y]our faith-informed legal mind will be invaluable when issues arise relating to the legal protections for innocent life." Do you agree with the president

of Alabama Citizens for Life that your religious affiliation will drive your judicial decision-making?

Response: I am not certain what Board President Daniel Gardner meant. As I explained above, I decide cases based upon the law and the facts; I have taken oath to do exactly that; and I believe that my religious faith reinforces that approach.

13. During a campaign speech, you said “But in the last election – we saw the truth – the WOKE mob is trying to take over every office. [...] We cannot let the democrats win.”

a. Please explain what you meant when you referred to “the woke mob.”

Response: This quote leaves out more than four lines of text and is therefore out of context and potentially misleading. I do not have personal recollection of the quote from this particular speech from four years ago, however, when I used the word “woke” during my judicial campaign I normally intended it to refer to persons who demanded preferred outcomes even when the rule of law required the opposite result. At the time I purportedly made this statement, I was a candidate for election in a heated partisan political race and operating under a different legal standard than apply to me as a federal judicial nominee. *See Republican Party of Minnesota v. White*, 536 US 765 (2002) (explaining that in partisan elections, judicial candidates are entitled to announce their views on disputed legal or political issues).

b. On January 6, 2021, the United States Capitol was stormed in an effort to stop the certification of a presidential election. Do you consider that an attack? Do you consider that was violence? Was that a mob?

Response: I denounce the violence and vandalism that occurred at the Capitol that day, especially the violence towards law enforcement. Beyond that, the events at the Capitol on January 6, 2021, and how they should be characterized, remain subjects of significant political debate and litigation. As a sitting judge and a pending judicial nominee, I therefore should not offer comments that could bear on issues or parties that may come before me, as Justice Jackson also explained in her QFR responses. *See Code of Conduct for United States Judges*, Canons 3 and 5.

14. During an October 2021 appearance on *Politics and Moore*, you suggested it was a problem that, in the 1990s, there were nine Democrats on the Alabama Supreme Court, a Democratic Secretary of State, a Democratic Attorney General, and almost no Republicans in county positions in Alabama. In the interview you noted that, as of 2021, this problem had been “fixed” and insinuated that filling seats with Republicans and conservatives would enhance election integrity and voter security.

- a. How does “fixing” the lack of Republican representation in elected offices align with your definition of election integrity and voter security?

Response: This language was used when I was seeking election as a Republican in a partisan political race and thus operating under a different legal standard than what applies to me now as a federal judicial nominee. In Alabama, judges are selected by political party elections. The United States Supreme Court has made clear that in such contested, partisan elections, judicial candidates are entitled to announce their views on disputed legal or political issues. *See Republican Party of Minnesota v. White*, 536 US 765, 788 (2002) (holding that a state's “canon of judicial conduct prohibiting candidates for judicial election from announcing their views on disputed legal and political issues violates the First Amendment”); *see also Parker v. Judicial Inquiry Comm'n of the State of Alabama*, 212 F. Supp. 3d 1171 (M.D. Ala. 2016). Beyond that, this question involves a matter of partisan political controversy, and therefore it would be inappropriate for me, as a federal judicial nominee, to comment further. *See Code of Conduct for United States Judges*, Canons 3 and 5.

- b. Do elections in states, municipalities, or counties lacking in significant Republican elected representation lack integrity due to the political affiliation of the elected representatives?

Response: *See Response to Question 14.a.*

15. At your Senate Judiciary Committee nomination hearing, I asked you which candidate won the 2020 election. You responded to state that Joe Biden was certified by a joint session of Congress. You explained that “as a matter of law” Joe Biden was elected President but refused to answer who won the election as a matter of fact. You served as an Alabama delegate for Donald J. Trump in the 2020 Republican National Committee Convention and you made campaign contributions to Donald Trump in 2020.

- a. As a matter of fact, which of the two general election candidates lost the 2020 election?

Response: Congress certified President Biden as the winner of the 2020 presidential election and he served as the 46th President of the United States. In keeping with the position of prior judicial nominees, it would be inappropriate for me to opine on political, policy, or legal debates regarding the integrity of any election, including the 2020 presidential election. *See Code of Conduct for United States Judges*, Canons 3(A)(6), 5; *see Ketanji Brown Jackson, Nominee to be Associate Justice of the Supreme Court of the United States at 136-37*, <https://perma.cc/77Z7-H69H>.

- b. As a matter of fact, which of the two general election candidates lost the 2024 presidential election?

Response: Congress certified Donald Trump as the winner of the 2024 presidential election and he is currently serving as the 47th President of the United States.

- c. As a matter of fact, did Donald Trump lose the 2020 election? Yes or no.

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

- d. Who won the popular vote in the 2020 presidential election?

Response: The Electoral Count Act of 1887 (previously 3 U.S.C. section 6) required a state's executive (normally the governor) to issue and transmit a certificate of ascertainment. That document lists the popular vote totals and declares the presidential electors to Congress. Congress certified Joe Biden as the winner of the electoral college vote in 2020 and he served as President for four years.

- e. Who won the majority of the electoral college votes in the 2020 presidential election?

Response: Please see my responses to Question 15.a-d.

- f. Do you have any doubts about the outcome or integrity of the 2020 presidential election results?

Response: In Justice Ketanji Brown Jackson's answers to questions for the record filed after her confirmation hearing, she stated, when asked about commenting on the results of the 2016 and 2020 elections:

Consistent with the Code of Conduct for United States Judges and the positions taken by prior nominees, as a pending judicial nominee and a sitting federal judge, it would be inappropriate for me to publicly weigh in [on] any subject of political debate.

See Ketanji Brown Jackson, Nominee to be Associate Justice of the Supreme Court of the United States at 136-37, <https://perma.cc/77Z7-H69H>. Questions involving who won the popular vote in the 2020 election have become matters of political controversy often discussed and debated by political leaders of both parties, and are also related to ongoing litigation. Consistent with the precedent established by Justice Jackson, as a judicial nominee, it would therefore be inappropriate for me to comment on those disputed political and legal questions. Moreover, even if I were permitted to answer this question, I do not have firsthand knowledge related to the 2020 election in any particular state, except for Alabama.