

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Anna St. John
Nominee to be U.S. Circuit Judge for the Fifth Circuit
August 19, 2026

1. This is the second time this year that President Trump has nominated you to a lifetime position as a federal judge. The Senate confirmed you to serve as a district judge in March 2026 on a party-line vote, and you have served as a district judge since April. The President himself has made it clear that he does not value judicial independence. He has suggested that his judicial appointees shouldn't rule against him, saying: "It's really OK for them to be loyal to the person that appointed them."¹

- a. **Did you discuss your potential circuit court nomination with anyone before you were confirmed to serve as a district court judge?**

Response: No.

- b. **Do you agree with President Trump that jurists should be loyal to the person who appointed them?**

Response: Federal judges take an oath to "administer justice without respect to persons, and do equal right to the poor and to the rich, and [to] faithfully and impartially discharge and perform all the duties incumbent upon [us] under the Constitution and laws of the United States."

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

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

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

Response: I was in New Orleans, Louisiana.

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

Response: I denounce all violence against our nation's law enforcement officers. As far as characterizing the events of January 6 more broadly, litigation remains pending, and as a sitting federal judge and judicial nominee, it would be improper for me to publicly comment on such matters of legal and political controversy under with the Code of Conduct for United States Judges.

¹ Donald Trump (@realDonaldTrump), TRUTH SOCIAL (May 10, 2026, 6:34 PM), <https://truthsocial.com/@realDonaldTrump/posts/116552659719497289>.

5. 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: Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to comment on any subject of political controversy or the President's proper exercise of his constitutional powers. Please also see my response to Question 4.

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

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

Response: Litigants may request reconsideration, a stay, or deferral of an order consistent with the proper procedures for such a request, or they may appeal.

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

Response: All parties properly before a federal court are subject to court orders and must comply with those orders. There are certain well-established exceptions to this general principle, such as when a court lacked jurisdiction or if compliance is impossible. *See, e.g., United States v. United Mine Workers of Am.*, 330 U.S. 258, 291 (1947).

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

Response: Article III of the Constitution provides 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.” Article III further provides that this power “shall extend to all Cases, in Law and Equity, arising under the Constitution....” In *Marbury v. Madison*, 5 U.S. 137, 177 (1803), the Supreme Court interpreted this power as establishing that “[i]t is emphatically the province and duty of the judicial department to say what the law is.”

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

a. Are non-party injunctions constitutional?

Response: In *Trump v. CASA, Inc.*, 606 U.S. 831 (2025), the Supreme Court held that ““universal injunctions’ ... likely exceed the equitable authority that Congress has granted to federal courts.” The Supreme Court declined to address the constitutionality of non-party injunctions. Thus, the precise scope of any Article III limitations on non-party or “universal” injunctions remains the subject of ongoing litigation before multiple federal courts, and it would be inappropriate for me, as a sitting federal judge and judicial nominee, to opine on this issue.

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

Response: Please see my response to Question 7(a).

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

Response: Please see my response to Question 7(a).

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

Response: I do not recall seeking such an injunction in any case that was not brought under the Administrative Procedure Act. Section 706 of the APA states that a reviewing court “shall ... hold unlawful and set aside agency action, findings, and conclusions found to be,” arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or otherwise unconstitutional or in excess of statutory authority. Before the Supreme Court ruled in *Trump v. CASA*, I have represented parties in cases brought under the APA in which they sought an order vacating and setting aside action by an administrative agency. I understand the application of *Trump v. CASA*’s holding to the APA is a matter of ongoing litigation, and it would be inappropriate for me, as a sitting federal judge and judicial nominee, to opine on this issue.

8. 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.

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

Response: The Twenty-Second Amendment states that “no person shall be elected to the office of the President more than twice.”

10. 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...”²

- 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: Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to comment on the President’s political views and commentary.

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

Response: Please see my response to Question 10(a).

- 11. 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”³ and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”⁴**

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

Response: Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to comment on any subject of political commentary by any of the President’s advisers.

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

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

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

Response: I recognize that serving as a judge requires one to apply the law without fear or favor and sometimes results in public criticism and disagreement.

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

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

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

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

Response: Lower courts are bound to follow all binding Supreme Court precedent.

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

Response: Circuits have adopted standards for overturning their own precedent. As a sitting district judge and judicial nominee, it would not be appropriate for me to comment on the appropriate circumstances under which a circuit court may overturn its own precedent. If confirmed, I would follow the “rule of orderliness” of the Fifth Circuit. Under this “well-settled” rule, “one panel of [the] court may not overturn another panel’s decision, absent an intervening change in the law, such as by a statutory amendment, or the Supreme Court, or [the] *en banc* court.” *Jacobs v. Nat’l Drug Intelligence Ctr.*, 548 F.3d 375, 378 (5th Cir. 2008).

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

Response: The Supreme Court has overruled its own precedent on occasion and has articulated its reasoning for doing so in these cases. *See, e.g., Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022); *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954). I acknowledge the Supreme Court has authority to overrule its own precedent. As a district judge, I am bound to follow the Supreme Court’s precedent and, if confirmed, I would remain so bound.

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

a. *Brown v. Board of Education*

Response: *Brown* was correctly decided, and I agree with the core holding that “separate but equal is inherently unequal.” While it is ordinarily improper for judicial nominees to opine on whether or not the Supreme Court correctly decided a case under the Code of Conduct for United States Judges, I am comfortable making an exception to this rule for *Brown* and *Loving*, consistent with the approach of many previous nominees.

b. *Plyler v. Doe*

Response: *Plyler* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

c. *Loving v. Virginia*

Response: *Loving* was correctly decided, and follows from *Brown*’s rejection of “separate but equal” in holding that “the mere ‘equal application’ of a statute

containing racial classifications” is inconsistent with the Fourteenth Amendment. Please also see my response to Question 15(a).

d. *Griswold v. Connecticut*

Response: *Griswold* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

e. *Trump v. United States*

Response: *Trump* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

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

Response: *Dobbs* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

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

Response: *Bruen* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

h. *Obergefell v. Hodges*

Response: *Obergefell* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

i. *Bostock v. Clayton County*

Response: *Bostock* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

j. *Masterpiece Cakeshop v. Colorado*

Response: *Masterpiece Cakeshop* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

k. *303 Creative LLC v. Elenis*

Response: *303 Creative* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

l. *United States v. Rahimi*

Response: *Rahimi* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

m. *Loper Bright Enterprises v. Raimondo*

Response: *Loper Bright* is binding Supreme Court precedent, and I would faithfully apply it. Otherwise, please see my response to Question 15(a).

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

Response: In a number of contexts, the Supreme Court has applied the public’s original understanding of a constitutional provision to determine its meaning. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004). If confirmed, I would rely, as I currently do, on methodologies consistent with the methods of interpretation that the Supreme Court applies when the Court undertakes interpretation of constitutional provisions. As a circuit judge, I would be bound to follow all binding precedent of the Supreme Court regardless of whether it comports with the original meaning of the Constitution.

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

Response: Please see my response to Question 16.

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

Response: In *Obergefell v. Hodges*, 576 U.S. 644 (2015), the Supreme Court held that the Fourteenth Amendment requires a state to license marriages between two people of the same sex on the same terms and conditions as marriages between two people of the opposite sex. If confirmed, I would be bound, as I currently am, to apply all binding Supreme Court precedent without regard to whether the original meaning of the Constitution supports the precedent. Accordingly, I would faithfully apply *Obergefell* and other binding Supreme Court precedent.

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

Response: In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court struck down a state law prohibiting two people of different races from marrying. As stated in my response to Question 15(c), *Loving* was correctly decided in accordance with the Fourteenth Amendment. As further stated in my response to Question 18, if confirmed, I would be bound, as I currently am, by *Loving* and all other binding Supreme Court precedent.

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

Response: Generally speaking, the Equal Protection Clause of the Fourteenth Amendment prohibits the government from denying any person “equal protection of the laws.” The Supreme Court has applied this Clause to limit the government from treating individuals similarly situated differently. The level of scrutiny courts apply to a law challenged under the Equal Protection Clause depends upon the classification at issue. In particular, courts apply strict scrutiny to suspect classifications, including race and national origin, and infringements of fundamental rights. Courts apply intermediate scrutiny to quasi-suspect classifications, such as those based on sex. Other classifications must have a rational basis. The Due Process Clause states, “nor shall any State deprive any person of life, liberty, or property, without due process of law.” The Supreme Court has interpreted the Due Process Clause as providing “substantive, as well as procedural, protection for ‘liberty.’” *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 237 (2022). To determine when to apply substantive protection, the Supreme Court has looked to enumerated and unenumerated rights that are deeply rooted in history and tradition. *See, e.g., id.* at 216.

21. 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?

Question: The Supreme Court has applied constitutional provisions to discrimination based on sex, *see, e.g., United States v. Virginia*, 518 U.S. 515 (1996), and sexual orientation, *see, e.g., Romer v. Evans*, 517 U.S. 620 (1996). If confirmed, I would faithfully apply these decisions and all binding precedents of the Supreme Court.

22. 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 16.

23. 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 16.

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

Response: The First Amendment states, “Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The Supreme Court has a number of decisions in which speech regulations, for example, are evaluated differently depending on the speaker. For example, in *TikTok, Inc. v. Garland*, 604 U.S. 56 (2025), the Court noted that “while laws favoring some speakers over others demand strict

scrutiny when the legislature's speaker preference reflects a content preference, such scrutiny is unwarranted when the differential treatment is justified by some special characteristic of the particular [speaker] being regulated." *Id.* at 72 (internal quotation marks and citations omitted). As another example, in *Ginsberg v. New York*, 390 U.S. 629 (1968), the Supreme Court applied free-speech protections differently for children. If confirmed, I would faithfully follow these and all binding Supreme Court precedents.

25. 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: Under Supreme Court precedent, a “regulation of speech is facially content based under the First Amendment if it ‘target[s] speech based on its communicative content’—that is, if it ‘applies to particular speech because of the topic discussed or the idea or message expressed.’” *City of Austin, Texas v. Reagan Nat’l Advertising of Austin, LLC*, 596 U.S. 61, 69 (2022) (quoting *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015)). The law at issue in *City of Austin* was found, in contrast, to be content neutral because it “required[d] an examination of speech only in service of drawing neutral, location-based lines.” *Id.* For this analysis, the Supreme Court instructs lower courts to analyze whether a speech regulation “draws distinctions based on the message a speaker conveys” such as distinctions based on “particular subject matter,” “function or purpose.” *Reed*, 576 U.S. at 163.

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

Response: With respect to the true threats doctrine, the Supreme Court has held that the First Amendment does not protect “serious expressions conveying that a speaker means to commit an act of unlawful violence.” *Counterman v. Colorado*, 600 U.S. 66, 74 (2023) (internal quotation marks omitted; brackets adopted). Instead, “[t]rue threats of violence are ... punishable as crimes.” *Id.* at 69. In order to enact such punishment, the government “must prove in true-threats cases that the defendant had some understanding of his statements’ threatening character.” *Id.* at 73. True threats are distinct from “jests, ‘hyperbole,’ or other statements that when taken in context do not convey a real possibility that violence will follow....” *Id.* at 74.

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

Response: The Fifth Amendment provides that “nor shall any person ... be deprived of life, liberty or property, without due process of law....” The Supreme Court has interpreted the Due Process Clause to “appl[y] 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). Questions of due process typically relate to the question of what process is due in a given situation. Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a

sitting federal judge and judicial nominee, to comment on such questions, which are a matter of political controversy and pending litigation.

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

Response: Please see my response to Question 27.

29. 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: In *Trump v. Barbara*, the Supreme Court held that children born in the United States to parents unlawfully or temporarily present are “subject to the jurisdiction” of the United States and are U.S. citizens at birth. Supreme Court precedent recognizes certain narrow exceptions to this holding, such as children born in the United States to foreign diplomats.

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 29(a). To the extent related questions remain at issue, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to comment on such questions under the Code of Conduct for United States Judges.

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

Response: I believe it is important for judges from all demographics to be considered equally for positions in the judicial branch and for no one to be excluded on the basis of any protected characteristic. I believe that judges’ exposure to a variety of opinions, experiences, and perspectives fosters a richer intellectual understanding of and ability to consider issues that may come before the court.

31. 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 statutes, judges should faithfully apply the Act in cases where it is applicable, consistent with its text and applicable precedent.

b. Will you commit to fully and fairly considering appeals that come before you when reviewing sentencing law and its application to ensure that criminal sentences are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: I will faithfully apply all applicable laws governing sentencing determinations, including 18 U.S.C. § 3553.

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

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

Response: I am unfamiliar with this statement and did not write it, and therefore it would be inappropriate for me to opine on what the Federalist Society might have intended with its use of that term.

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.⁵

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

Response: Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to comment on the statements of any political figure or on any subject of political controversy.

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

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

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

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

Response: Yes.

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

Response: While I have not spoken to or corresponded with Leonard Leo or Steven G. Calabresi during my selection process, I have spoken with numerous friends and professional acquaintances who are among the thousands of individuals associated with the Federalist Society.

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

Response: Yes.

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

Response: I have been paid an honoraria for certain speaking events, including those at student chapters. The amount has changed over time but has not exceeded \$1500 per event.

- 33. 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.

- 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.

34. 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: Prior to becoming a district judge, I occasionally attended the Heritage Foundation’s Public Interest Law Group meetings.

- 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.

35. 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: Prior to becoming a district judge, I served as co-counsel with attorneys with America First Policy Institute to represent high school athletes filing an amicus brief in *Little v. Hecox* and *West Virginia v. B.P.J.*

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

Response: No.

- 36. 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.

- 37. 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.

- 38.** 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: I have represented parties that have filed amicus briefs in cases in which ADF served as counsel.

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

Response: No.

- 39.** 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. I am not familiar with the Concord Fund or the 85 Fund. To the extent this question asks for my personal policy preferences or opinion with respect to such donations, it would not be appropriate for me, as a sitting federal judge and judicial nominee, to comment, consistent with the Code of Conduct for United States Judges.

- 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: Please see my response to Question 29(d). If confirmed, I will address all actual or potential conflicts in accordance with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws, rules, ethics opinions, and practices governing conflicts of interest.

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

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

**Nomination of Anna St. John
Nominee to the Fifth Circuit Court of Appeals
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. You received your commission to be district judge in the Eastern District of Louisiana on April 13, 2026.

- a. Have you completed any training or orientation materials for newly appointed judges? If so, on what date did that occur?

Response: I attended training or orientation sessions for newly appointed judges on March 26 and on July 15 through 17. I have also reviewed materials for newly appointed judges provided by the Administrative Office of the United States Courts and my colleagues, and I regularly engage with my colleagues regarding their practices and approaches to a wide range of matters.

- b. How many cases have you seen through to completion since your appointment?

Response: With the understanding that “completion” includes judgment on the merits, trial, settlement, dismissals for various reasons, and remands to state court, and excludes actions such as transfers to other courts or judges, I have seen over 25 cases through to completion since my appointment.

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

For Anna St. John, to be U.S. Circuit Judge for the Fifth Circuit

1. In November 2021, you testified in a House Judiciary Committee hearing in opposition to the bipartisan *Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act*, which was voted out of the Judiciary Committee unanimously and signed into law by President Biden in 2022.

As Gretchen Carlson testified before this committee: “When a sexual assault or harassment case is forced into the rigged process of arbitration, there is no public accountability from the corporation and there is no justice for the victim or survivor.”

- Given your prior advocacy, what would you say to survivors of sexual harassment and assault in the workplace who may be concerned about your impartiality on this issue?

Response: I disagree with the characterization that I engaged in advocacy. In 2021, years before my confirmation as a district judge, I was invited to testify before the House Judiciary Committee based on my knowledge and experience regarding out-of-court dispute resolution. I viewed my role as providing information at the request of Members of Congress to enable full consideration of the legislation. I have great respect for survivors of sexual harassment and assault who seek to hold the perpetrators accountable, thus helping to prevent them from harming others. In cases involving this issue, as in all cases that come before me, I would apply the law and decide the case impartially regardless of my personal beliefs.

2. In *New York Times v. Sullivan*, the Court unanimously held that when newspapers report on public officials, they are only liable for untrue statements that are published with knowledge or reckless disregard for whether the statement was false.

You have called on the Supreme Court to “reexamine” the *Sullivan* decision, which you have described as “misguided precedent.” You were critical of the “actual malice standard” which you described as giving “the press...free reign to publish the amount of false information we see today.”

- How do you reconcile your criticism of the actual malice standard with the Supreme Court’s finding that “erroneous statement is inevitable in free debate” and “must be protected if the freedoms of expression are to have the ‘breathing space’ that they ‘need ... to survive’”?

Response: When I authored the referenced article, I advanced an argument as a practicing lawyer. As a district judge, I am, and if confirmed I will continue to be, bound to follow Supreme Court precedent, including *New York Times v. Sullivan*. Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to comment on policy matters or my personal views on Supreme Court precedent.

- Do you recognize that *New York Times v. Sullivan* remains binding Supreme Court precedent that you are bound to follow if confirmed to the Fifth Circuit?

Response: Yes.

3. At a Federalist Society event in May 2021, you were critical of Justice Department authorized third-party settlements, stating: “settlement payments have been slushing around and without any oversight by Congress. That money settled public claims. It belongs to the public, and should be subject to the Appropriations Clause with congressional oversight and authority directing those funds.”

This May, the Justice Department signed a settlement agreement in President Trump’s lawsuit against the IRS, in which the Department agreed to establish a \$1.8 billion “Anti-Weaponization Fund” that could be used to compensate the President’s allies, including those who attacked the Capitol on January 6th.

- Is President Trump’s “Anti-Weaponization Fund” the type of Department of Justice authorized third-party settlement that you believe “should be subject to the Appropriations Clause with congressional oversight and authority directing those funds?”

Response: Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to comment on any subject of political controversy or ongoing legal matter.

**Nomination of Anna St. John
to be United States Circuit Judge for the Fifth Circuit
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: Under Article II, Section 2 of the U.S. Constitution, the Senate provides advice and consent to the President's nominees to the federal courts. I believe the Senate Judiciary Committee can fulfill this role by evaluating judicial nominees to the best of its ability.

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: I believe that I have a responsibility to provide truthful and complete responses to the Committee's questions within the confines of the Code of Conduct for United States Judges and other applicable standards to the best of my ability and in good faith.

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

Response: Yes.

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

Response: The Department of Justice provided general advice and referred me to samples of previous nominees' responses. All responses provided are my own.

- 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 nominees should provide responses that they believe to be true and correct. If that standard is met, I do not believe it is inappropriate for one to provide the same answers as a previous nominee.

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

Response: Yes.

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

Response: Yes.

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

Response: No.

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

Response: No.

- 5. 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: Consistent with the Code of Conduct for United States Judges and positions taken by prior nominees, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to comment on the President’s political views and commentary.

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

Response: Yes.

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

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

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

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

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

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

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

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

- 6. When, if ever, is it permissible for a circuit court to overturn its own precedent? Please explain.

Response: Circuits have adopted standards for overturning their own precedent. As a district judge and judicial nominee, it would not be appropriate for me to comment on my personal views regarding the appropriate circumstances under which a circuit court may overturn its own precedent. If confirmed, I would follow the “rule of orderliness” of the Fifth Circuit. Under this “well-settled” rule, “one panel of [the] court may not overturn another panel’s decision, absent an intervening change in the law, such as by a statutory amendment, or the Supreme Court, or [the] *en banc* court.” *Jacobs v. Nat’l Drug Intelligence Ctr.*, 548 F.3d 375, 378 (5th Cir. 2008).

- 7. When is it appropriate for an en banc federal appellate court to reconsider a panel decision?

Response: Rule 40 of the Federal Rules of Appellate Procedure provides that a majority of the active judges on a federal appellate court may vote to rehear a panel decision en banc. “[O]rdinarily,” rehearing en banc will be allowed only if one of the following criteria is met: (A) the panel decision conflicts with another decision of the court, (B) the panel decision conflicts with a decision of the Supreme Court, (C) the panel decision conflicts with a decision of another federal appellate court, or (D) the proceeding involves a question of exceptional importance.

- 8. Discuss your proposed hiring process for law clerks.

Response: In general, I consider clerkship applicants based upon their entire applications, including their recommendations and supporting materials, as well as their understanding of the role of a law clerk.

9. Why did you decide to begin seeking a nomination to the Fifth Circuit just months after joining the U.S. District Court for the Eastern District of Louisiana?

Response: When I was invited to interview for the nomination following Judge Kurt Engelhardt's announcement that he would be taking senior status, I was incredibly honored to be under consideration. I believe that public service is important and my legal career and prior experience demonstrate that I am fully qualified for this position.

- a. Prior to your district court nomination, had you ever discussed your desire to serve on an appellate court with individuals in the White House, the Department of Justice, or the Senate?

Response: No.

Questions for the Record for Judge Anna St. John
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: If confirmed, I will, as I currently do as a district judge, make recusal decisions in accordance with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws, rules, ethics opinions, and practices governing conflicts of interest. In that regard, 28 U.S.C. § 455(a) states that “[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” Similarly, Canon 3(C) of the Code of Conduct for United States Judges states that “[a] judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to” several specific circumstances.

- 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 confirmed, I will, as I currently do, follow the Code of Conduct for United States Judges and all other ethical rules and obligations governing judicial conduct. In that regard, Canon 3(A)(4) provides, with certain exceptions, that “a judge should not initiate, permit, or consider *ex parte* communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers. If a judge receives an unauthorized *ex parte* communication bearing on the substance of a matter, the judge should promptly notify the parties of the

subject matter of the communication and allow the parties an opportunity to respond, if requested.” Additionally, Canon 3(A)(6) provides that “[a] judge should not make public comment on the merits of a matter pending or impending in any court,” though “[t]he prohibition on public comment on the merits does not extend to public statements made in the course of the judge’s official duties, to explanations of court procedures, or to scholarly presentations made for purposes of legal education.”

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Yes.

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

Response: If confirmed, I will follow, as I currently do as a district judge, Canon 4(D)(4) and “comply with the restrictions on acceptance of gifts and the prohibition on solicitation of gifts set forth in the Judicial Conference Gift Regulations,” as well as all other ethical rules and obligations governing the acceptance or solicitation of gifts.

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

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

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

Response: Yes. If confirmed, I will, as I currently do, follow the Code of Conduct for United States Judges and all other ethical rules and obligations governing judicial conduct.

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 made this statement in *Ex Parte Robinson*, 86 U.S. 505, 510 (1873). I am bound by this and all other binding Supreme Court precedent governing the contempt power of the federal courts and would faithfully apply that 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: Please see my response to Question 4(a).

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

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

Response: Yes.

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

Response: Yes.

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

Response: Courts have a number of methods available to enforce their orders. Those methods include sanctions, such as monetary sanctions, drawing certain inferences against a party, and public censure. They also include imposing certain oversight, such as regular status reports. In serious cases, courts can exercise their contempt power.

- 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: All parties properly before a federal court are subject to court orders and must comply with those orders. There are certain well-established exceptions to this general principle, such as when a court lacked jurisdiction or if compliance is impossible. *See, e.g., United States v. United Mine Workers of Am.*, 330 U.S. 258, 291 (1947).

- 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: A court order could be unlawful if the court lacked jurisdiction to issue the order. There may be additional circumstances in which a court order would be unlawful, but those circumstances are too numerous to list in the abstract.

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

Response: If a party believes a court order is unlawful, that party should move for reconsideration, move for a stay or deferral, and/or seek appellate review.

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

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

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

Response: No.

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

Response: No.

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

**Nomination Hearing
Questions for the Record for Anna E. Wagner St. John**

1. As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two initial questions:

- a. **Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**

Response: No.

- b. **Have you ever faced discipline or entered into a settlement related to this kind of conduct?**

Response: No.

2. **What is diversity?**

Response: While the definition varies by context, diversity generally refers to differences among the individual elements of a group.

3. In 2022, you appeared on a podcast where you discussed a University of Illinois policy requiring faculty members to submit diversity statements to be considered for tenure or a promotion. You said, “this DEI statement requirement in my mind has *echoes of the loyalty oaths from the 1950s and 60s*.”

- a. **What did you mean when you said, “*echoes of the loyalty oaths from the 1950s and 60s*”?**

Response: When I appeared on the referenced podcast four years ago, I discussed a policy as a practicing lawyer. Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to publicly comment regarding my personal views on policy matters.

- b. **Have you taken a “loyalty oath” to President Trump?**

Response: No.

4. **How many trials have you presided over since becoming a district court judge approximately 3 months ago?**

Response: The Eastern District of Louisiana has a practice of not transferring to new judges any case in which a trial date is imminent. In addition, many cases on my docket have settled, been resolved through motions practice, or have been continued for good cause. Accordingly, although I have presided over dozens of hearings and conferences, I have yet not presided over any trials.

5. Does the U.S. Constitution protect women's right to access contraception?

Response: The Supreme Court has extended constitutional protection to the use of contraceptives. *See Eisenstadt v. Baird*, 405 U.S. 438, 453-54 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965). I am bound to faithfully apply those and all other binding precedents of the Supreme Court.

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

August 5, 2026

Questions for Anna St. John (5th Circuit Court of Appeals):

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 am not personally familiar with the certified vote counts for any state in the 2020 election.

- b. According to Pennsylvania's certified 2020 General Election results, did Joe Biden receive more than 80,000 votes more than Donald Trump?

Response: Please see my response to Question 1(a).

- c. According to Georgia's certified 2020 General Election results, did Joe Biden receive more than 11,000 votes more than Donald Trump?

Response: Please see my response to Question 1(a).

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

Response: Please see my response to Question 1(a).

- e. According to Nevada's certified 2020 General Election results, did Joe Biden receive more than 20,000 votes more than Donald Trump?

Response: Please see my response to Question 1(a).

- f. According to Michigan's certified 2020 General Election results, did Joe Biden receive more than 154,000 votes more than Donald Trump?

Response: Please see my response to Question 1(a).

- g. 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: I am not personally familiar with the certified vote counts in any state in the 2020 election. Following a count of the Electoral College votes for the 2020 election, Joe Biden was certified the winner and served four years as president. More broadly, consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to publicly comment upon a matter of political controversy. Federal judges and judicial nominees, including now-Justice Ketanji Brown Jackson, have consistently adopted this position on such matters, including the 2020 General Election results, and I join them.

- 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: Please see my response to Question 1(g).

- 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: Joe Biden was certified the winner of the 2020 election and served as president for four years. To the extent this question asks for additional information, please see my response to Question 1(g).

- 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 response to Question 1(g).

- 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 response to Question 1(g).

- 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: I have not personally evaluated the cases referenced and therefore cannot opine on whether these courts reached the correct result. Moreover, under

the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to publicly comment on or provide my personal evaluation of another judge's decision.

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

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

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

Response: No.

- 7. 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: Federal judges and judicial nominees, including now-Justice Ketanji Brown Jackson, have consistently adopted the position that the 2020 presidential election results are a matter of political debate and it would thus be inappropriate under the Code of Conduct for United States Judges for a sitting federal judge and judicial nominee to weigh in on the matter. I join them in this conclusion.

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

Response: The Supreme Court has recognized a constitutional right to privacy in certain contexts, including with respect to the use of contraceptives. *See Griswold v. Connecticut*, 381 U.S. 479 (1965). The Supreme Court has interpreted the Due Process Clause of the Fourteenth Amendment as providing a right to privacy in *Griswold* and certain other contexts. Other provisions, such as the Fourth Amendment's right to be free from unreasonable searches and seizures, also protect privacy interests.

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

Response: *Griswold* is binding Supreme Court precedent, and I would faithfully apply it. Outside of a handful of widely recognized exceptions, it is improper for sitting federal judges and judicial nominees to opine on whether or not the Supreme Court correctly decided a case.

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

Response: I have been inspired by countless judges and justices over the course of my legal career and education. Most foundational to my work as a judge has been Judge Rhessa H. Barksdale, for whom I clerked.

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: The Supreme Court has held that there is a constitutionally protected right to certain reproductive healthcare decisions. For example, the Supreme Court has extended constitutional protection to the use of contraceptives. *See Eisenstadt v. Baird*, 405 U.S. 438, 453-54 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965). However, in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), the Supreme Court held that there is not a constitutionally protected right to obtain an abortion and returned the issue of how abortion should be regulated to the democratic process in the states. As a sitting district judge, and, if confirmed, as a circuit judge, I will continue to faithfully apply binding Supreme Court precedent.

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: It is important for judges from all demographics to be considered equally for positions in the judicial branch and for no one to be excluded on the basis of any protected characteristic. I believe that judges' exposure to a variety of opinions, experiences, and perspectives fosters a richer intellectual understanding of and ability to consider issues that may come before the court.

- 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 a district court judge in April, 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: When hiring my law clerks, I inquired among many judicial colleagues, friends, professors, and other professional acquaintances whether they knew of any interested candidates. I also received many applications from law students and recent law graduates independent of these inquiries. Upon taking judicial office, I began accepting applications through OSCAR. I consider applicants from a wide range of schools and backgrounds, including 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: I currently accept, and consider, applications from interested candidates through OSCAR, which is broadly accessible.

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

Response: Please see my responses to Questions 11(a) through (d).

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

- a. What does the 22nd Amendment state?

Response: The 22nd Amendment states:

Section 1

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

Section 2

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

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

Response: No.

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

Response: Donald Trump was certified the winner of the 2016 and 2024 presidential elections and thus, for purposes of the 22nd Amendment, has been elected President 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: No.

- 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 continue, as I currently do, to ensure that all people in my courtroom are treated with respect and dignity and to hear each case respectfully and impartially.

- 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: The Supreme Court has interpreted the Due Process Clause to “appl[y] 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). Questions of due process typically relate to the question of what process is due in a given situation. Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to comment on such questions, which are a matter of pending litigation and political controversy.

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: Yes.

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

Response: A federal judge has a number of methods available to enforce his or her orders. Those methods include sanctions, such as monetary sanctions, drawing certain inferences against a party, and public censure. They also include imposing certain oversight, such as regular status reports. In serious cases, courts can exercise their contempt power.

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?

Response: I have disclosed all responsive materials in my Senate Judiciary Questionnaire.

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 maintained personal social media accounts to keep in touch with friends and family. I have disclosed all responsive materials in 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: Yes. In an effort to protect the privacy of my family, I have sought to become less personally visible online by deactivating, deleting, and increasing the privacy controls on social media accounts since I have been under consideration for this nomination and my nomination to the district court.

19. Article III states that federal courts decide "cases" and "controversies."

- a. What do you look for when deciding whether a matter before you is actually a dispute constituting a "case" or "controversy?"

Response: The doctrine of standing serves as a "landmark" for identifying disputes that are cases and controversies and thus appropriately resolved through the judicial process. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). The "irreducible constitutional minimum of standing" requires a plaintiff to have suffered (1) injury in fact that is (2) fairly traceable to the challenged action of the defendant, and (3) redressable by a favorable decision by the court. *Id.* at 560-61.

- b. What harms could arise if a court were to decide a dispute that fails to meet the case-or-controversy requirement?

Response: The cases-and-controversies requirement of Article III is generally intended to prevent courts from exceeding their constitutional authority and infringing on the legislative and executive powers held by the elected branches of government. *See Lujan*, 504 U.S. at 559-60.

- c. If neither party raises that requirement — even if both parties are satisfied with their positions or purported settlement agreements — does a judge still have an independent obligation to ensure that any case before them meets all constitutional requirements?

Response: While courts have "an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any

party,” *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006), in many cases, the parties can voluntarily settle their dispute without involving the court. Accordingly, the obligations of the court will depend upon the specifics of the case and its posture.

- d. What recourse is available to a judge who concludes the parties before them are not adverse as constitutionally required?

Response: Please see my response to Questions 19(a) through (c).

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Anna St. John
Hearing on “Nominations”
Wednesday, August 5, 2026

1. After your district court nomination, you stated in written questions for the record that class action settlements carry an “inherent risk that the defendant and the plaintiffs’ attorneys will reach a settlement that favors their mutual interests at the expense of the absent class members.” Please explain what you meant by that statement.

Response: I made this statement in response to a question asking me to describe the class actions I had challenged while working at the Center for Class Action Fairness and the basis for each challenge. My statement referred to the general principal-agent problem that may arise at the settlement stage in class actions, when the interests of the absent class members may diverge from those of their agents, the attorneys. *See, e.g., Eubank v. Pella Corp.*, 753 F.3d 718 (7th Cir. 2014).

2. In November 2021, you testified at a House Judiciary Committee hearing titled, “Silenced: How Forced Arbitration Keeps Victims of Sexual Violence and Sexual Harassment in the Shadows.”
 - a. During that hearing, you testified, “When a business saves money in one area, it’s going to invest the money somewhere else. I think it’s perfectly reasonable to think that if the benefits are abbreviated for employees in one area, they’re going to invest in another area on behalf of those employees.” Please provide evidence for this claim.

Response: When I testified at the House Judicial Committee in November 2021, I was a practicing attorney. As a sitting federal judge and judicial nominee, it would be inappropriate for me to comment on policy matters under the Code of Conduct for United States Judges.

- b. During that hearing, you said you agreed with Representative McClintock’s statement that “once we start limiting the freedom of parties to contract with each other, we lose that mutual negotiation that produces an agreement that both sides benefit from.” Please explain how the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act limits the freedom of parties to contract.

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

Questions for the Record

Anna St. John – Nominee to be U.S. Circuit Judge for the Fifth Circuit

Sen. Adam Schiff (D-CA)

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

Response: Federal law addresses public corruption in a number of contexts, including in statutes targeting bribery, fraud, and extortion by public officials or involving federal funds. I would consult applicable legal authorities for the precise definition depending on the context.

- 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: Because the definition of public corruption depends on the context, I would evaluate the relevant facts and law before making such a determination.

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 Constitution extends the judicial power of the United States to “Cases” and “Controversies.” The doctrine of standing serves as a “landmark” for identifying disputes that are cases and controversies and thus appropriately resolved through the judicial process. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). The “irreducible constitutional minimum of standing” requires a plaintiff to have suffered (1) injury in fact that is (2) fairly traceable to the challenged action of the defendant, and (3) redressable by a favorable decision by the court. *Id.* at 560-61.

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

Response: I understand that this issue is the subject of pending litigation and ongoing political controversy. Accordingly, consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to publicly comment on the issue.

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

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

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

Response: Federal statutes and Rule 11 of the Federal Rules of Civil Procedure allow courts to impose sanctions for frivolous filings, including monetary fines, attorneys' fees, and nonmonetary directives up to and including dismissal.

3. How would you describe your judicial philosophy?

Response: My judicial philosophy is that judges should apply the law faithfully and impartially, even when the result does not align with their personal preferences. Judges have a duty to exercise the judicial power and duties of Article III in accordance with the Constitution, their judicial oath of office, the Code of Conduct for United States Judges, and all applicable laws.

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

Response: As a district judge, I faithfully follow binding Fifth Circuit and Supreme Court precedent when presented with a case of statutory interpretation. In the absence of binding precedent, I apply the methodologies of textualism and originalism to discern the meaning of the statutory text at the time the law was enacted through the constitutionally prescribed process.

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

Response: Please see my response to Question 4.

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

Response: When interpreting a statute, I would consider the ordinary, plain meaning of the statutory text at the time the law was passed. In the case of an ambiguous statute, I would apply recognized canons of interpretation. Where appropriate, legislative and statutory history can play a role in understanding the meaning of the text; however, it may never override the text itself.

6. How do you define judicial activism?

Response: Judicial activism refers to judges reaching decisions based on their personal preferences or policy beliefs rather than the law.

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

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

Response: Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me to publicly opine on the statements of a Supreme Court Justice.

- 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: If confirmed, I will continue to be bound, as I currently am, to follow binding Supreme Court precedent regardless of my personal view of the correctness of the decision.

8. As a circuit judge, you will be in a position to review your own prior district-court rulings’ subject matter and cases connected to the Hamilton Lincoln Legal Institute, or HLLI, which you led prior to your judicial confirmation. HLLI remains active in litigation on arbitration, class actions, religious liberty, and other issues.

- a) Can you commit to recusing yourself from cases involving HLLI?

Response: If confirmed, I will continue to make recusal decisions in accordance with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws, rules, ethics opinions, and practices governing conflicts of interest.

- b) What is your threshold for recusing yourself from a case? When you have recused yourself from a case, what standards do you follow?

Response: Please see my response to Question 8(a). To date, I have recused myself in cases in which I have a financial interest in one of the parties.

9. The President’s announcement of your nomination said you would “continue to defend Americans’ Constitutional Rights on the Fifth Circuit.” The word, “continue,” suggests your judicial work is a continuation of your advocacy when you were not a judge.

- a) What has “defend[ing] Americans’ Constitutional Rights” meant during your tenure as a district court judge? How did that differ from your career in private practice?

Response: I cannot speak as to what the President might have meant. As a district judge, I honor my oath to “administer justice without respect to persons, and do equal right to the poor and to the rich,” and to “faithfully and impartially discharge and perform all the duties incumbent upon me ... under the Constitution

and laws of the United States.” I am not an advocate; however, as this oath conveys, judges do play a role in protecting Americans’ constitutional rights.

10. In *Trump v. IRS*, a lawsuit brought by President Trump and his family against the Internal Revenue Service, the parties reached a settlement establishing a \$1.776 billion fund benefitting third parties rather than any injured plaintiff. You have previously stated that it is improper to route settlement money to third parties who were not injured, and that the money “should be subject to the Appropriations Clause with congressional oversight and authority directing those funds.”

- a) Do you believe that a settlement between the government and a private plaintiff can lawfully direct large sums of money to third parties who suffered no injury in the claims giving rise to that litigation?

Response: When I made that statement, I was a practicing lawyer speaking as to a particular context. I understand that this issue is the subject of pending litigation and ongoing political controversy. Accordingly, consistent with the Code of Conduct for United States Judges, it would be inappropriate for me to publicly comment on the issue as a sitting federal judge and judicial nominee.

- b) Does a court have an independent duty under Article III to reject a settlement when it finds that the parties were not actually adverse?

Response: Please see my response to 10(a).

11. In November 2021, you testified at a House Judiciary Committee Hearing against the *Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021*. This bill, which is now the law, ended forced arbitration for cases involving sexual harassment and sexual assault.

- a) In your 2021 written testimony, you stated that “arbitration often provides a faster, cheaper, less daunting process for resolving disputes than a formal court case and is more favorable, on average, for employees.” Do you maintain this position even when an employer designs the arbitration process, including selecting the arbitrator?

Response: I authored the referenced testimony years before my confirmation as a district judge, when I was a practicing lawyer and speaking as to a particular context. Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to publicly comment on policy matters.

- b) During your 2021 testimony, you stated that “there have been examples where workers have asked for these clauses to be taken out of contracts and they have been successful. So the idea that it is really forced I don’t think is borne out by the facts.” At your most recent Senate Judiciary Committee nomination hearing, in

response to a question from Ranking Member Durbin, you noted that you have always taken the position that arbitration is by consent only and that you do not think anyone should be forced to arbitrate their claims. Please explain how you arrived at this position given your past testimony indicating that forced arbitration clauses are, in practice, not forced on employees.

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

- c) Do you no longer believe that forced arbitration is an ideal way to handle sexual harassment and sexual assault claims in the workplace?

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

12. Prior to assuming judicial service, you submitted briefs to the Supreme Court in *Students for Fair Admissions v. Harvard*. In one of these briefs, you argued that racial diversity could not justify race-conscious admissions decisions and wrote that “race-based admissions have served to further entrench wealth and privilege, while corporate diversity efforts have led to a culture of groupthink.”

- a) Why do you believe that racial diversity is not a compelling interest in university admissions decisions?

Response: In *Students for Fair Admissions v. Harvard*, 600 U.S. 181, 214-17 (2023), the Supreme Court held that the interests the universities asserted as compelling to justify their race-conscious admissions decisions could not satisfy strict scrutiny because those interests “cannot be subjected to meaningful judicial review” and there was no “meaningful connection” between those interests and the means the universities employed to achieve them. When I filed an amicus brief with co-counsel in the case, I was a practicing attorney. Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to publicly comment on policy matters or any subject of legal or political controversy.

- b) What did you mean when you wrote that “race-based admissions have served to further entrench wealth and privilege?”

Response: Please see my response to Question 12(a).

- c) McKinsey & Company has found that companies with greater gender and ethnic diversity on their boards of directors outperform their peers financially. Academic research has also found that gender and ethnic diversity at companies results in enhanced financial performance and can improve innovation and creativity in the workplace. What did you mean when you wrote that “corporate diversity efforts have led to a culture of groupthink?”

Response: Please see my response to Question 12(a).

- d) In your position as a federal judge, how do you consider demographic diversity in the clerkship hiring process?

Response: I consider clerkship applicants from all demographics and backgrounds and do not exclude anyone on the basis of any protected characteristic.

- e) Given your work on *Students for Fair Admissions* and your commentary on racial diversity, how would you assure litigants from minority backgrounds who appear before you that you will fairly hear their cases?

Response: If confirmed, I will continue, as I currently do, to ensure that all people in my courtroom are treated with respect and dignity and to hear each case respectfully and impartially.

13. At your most recent Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you which candidate won the 2020 election. You responded to state that Joe Biden was certified by the Electoral College but refused to say which candidate won the election as a matter of fact.

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

Response: In the 2020 presidential election, Joe Biden was certified as the winner.

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

Response: In the 2024 presidential election, Donald Trump was certified as the winner.

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

Response: Please see my response to Question 13(a).

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

Response: The popular vote does not play a role in determining the outcome of presidential elections. Article II, section 1, and the Twelfth Amendment of the U.S. Constitution provide for the Electoral College as the process by which the president and vice president are certified in each presidential election. In the 2020 presidential election, Joe Biden was certified as the winner.

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

Response: Please see my response to Question 13(d).

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

Response: Following a count of the Electoral College votes for the 2020 election, Joe Biden was certified the winner and served four years as president. Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me, as a sitting federal judge and judicial nominee, to publicly comment upon a matter of political controversy. Federal judges and judicial nominees, including now-Justice Ketanji Brown Jackson, have consistently adopted this position on such matters, including the 2020 presidential election results, and I join them.

14. At your most recent Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you whether the U.S. Capitol was attacked on January 6, 2021. You refused to describe the events as an attack on the U.S. Capitol and noted you wanted to be careful about the specific language you used.

- a) Was there violence at the U.S. Capitol on January 6, 2021?

Response: Yes.

- b) If yes, what violence are you aware of that occurred on January 6, 2021, at the U.S. Capitol? Please list any events that you recall reading about, watching, or seeing in subsequent media reports.

Response: While I am generally aware that there was violence against law enforcement officers, and I condemn those attacks, I do not have a clear recollection of specific incidents.

- c) What level of violence would constitute an “attack” in your view? Do you consider the actions taken against law enforcement officers on January 6th at the U.S. Capitol to constitute an “attack”?

Response: Please see my response to Questions 14(a) through (b).