

**Senator Dick Durbin**  
**Ranking Member, Senate Judiciary Committee**  
**Written Questions for Daniel Lewis Ballou**  
**Nominee to be U.S. District Judge for the Eastern District of Kentucky**  
**September 23, 2026**

1. I am concerned that you may have a double standard when it comes to the criminal justice system. On the one hand, you dismissed concerns about prison overcrowding because “the crime problem is more important.” You further said that “[t]he crime problem is amplified when our culture and our government make excuses for criminal behavior and ignore the all-important characteristic of humanity which is personal responsibility.”

Yet, you wrote a letter of support for Jeremy Elliotte, a former police officer who was charged with illegally entering a suspect’s home and conspiring with other officers to cover up the incident. Of Mr. Elliotte, you said you did not know “a more open, honest, and fair-minded person.” You added that he has “always been a person of integrity.”

But as U.S. District Judge Claria Horn Boom, a Trump appointee, said at Mr. Elliotte’s sentencing hearing, his conduct demonstrated “a flagrant disrespect for the law.” She sentenced him to six months in prison.

- a. **Do you disagree with Judge Horn Boom that Mr. Elliotte showed flagrant disrespect for the law?**

Response: I have no knowledge of what Judge Boom said regarding Mr. Elliotte and it would not be appropriate for me to comment on her judicial decisions or statements.

- b. **Were you amplifying the crime problem by making excuses for Mr. Elliotte’s criminal behavior?**

Response: My letter concerning Mr. Elliotte was merely a character letter I submitted to his attorney, pertaining to my personal knowledge of him since he was eight or ten years old.

2. During a 2015 campaign event, you argued that government benefit programs have a negative impact on individuals’ personal pride and self-respect. You said, “When the government’s policies puts [*sic*] these people in a position to where they are being paid and fed and watered like cattle like animals then you got to expect them to start acting like animals.”<sup>1</sup>

- a. **Do you still believe that individuals who receive government assistance begin to “act[] like animals”?**

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<sup>1</sup> Trent Knuckles, *Paul Makes Case to Local Voters at Events; Appeared at Fundraiser and Public Forums*, NEWS J. (Aug. 15, 2015).

Response: Litigants who receive public assistance have appeared before me for twenty-four years and they have all been treated fairly and with respect. Nothing will change in that regard should I be confirmed. Beyond that, as a judicial nominee, it would be inappropriate for me to comment on matters of policy debate or political controversy. See Code of Conduct for United States Judges, Canons 3 & 5.

- b. If confirmed, why should litigants who receive government assistance believe that you will treat them fairly if they come before you?**

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

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

Response: Joe Biden was certified by Congress as the winner of the 2020 election.

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

Response: I was at the Bass Pro Shop in Sevierville, Tennessee

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

Response: I denounce all acts of violence and vandalism, including the acts of violence and vandalism that were committed at the U.S. Capitol on January 6, 2021, especially with regard to law enforcement officers. As a judicial nominee, it is thus not appropriate for me to opine on whether those events constituted an “insurrection.” See Code of Conduct for United States Judges, Canons 3 and 5.

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

Response: It is inappropriate for me to comment on matters of political controversy as a judicial nominee according to the Code of Conduct for United States Judges, Canons 3 & 5.

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

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

Response: They can file a Motion to Reconsider or Vacate or appeal it.

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

Response: Generally, a litigant must follow court orders issued in the proceedings to which they are a party. However, the Supreme Court has acknowledged that, in some circumstances, an order must be violated in order to be appealed. As Justice Sotomayor’s first Supreme Court opinion explained, “Another long recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.” *Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 111 (2009).

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

Response: The judicial branch.

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

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

Response: In *Trump v. Casa, Inc.*, the Supreme Court held that a “universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power.” 145 S. Ct. 2540 (2025). The decision “rest[ed] solely on the statutory authority that federal courts possess,” and the Court “express[ed] no view on the Government’s argument that Article III forecloses universal relief.” *Id.* at 2550 n.4.

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

Response: Please see my response above in Question 8.a.

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

Response: Please see my response above in Question 8.a.

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

Response: No

- 9. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.**

Response: No

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

Response: The 22<sup>nd</sup> Amendment states that, “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.”

**11. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”, who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”<sup>2</sup>**

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

Response: As a judicial nominee, it would be improper for me to offer an opinion on a political issue or a statement by any political figure. See Code of Conduct for United States Judges, Canons 3(A)(6), 5.

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

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

**12. In addition to the President’s own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”<sup>3</sup> and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”<sup>4</sup>**

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

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

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

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

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

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

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

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

Response: I cannot say how it would make me feel because it has not happened to me. I can say, generally, it takes a lot more than that to make me uncomfortable. If I am fortunate enough to be confirmed, it would be my duty to not allow any public comments or social media posts to affect my impartiality and decision-making.

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

Response: Lower courts should not depart from Supreme Court precedent. As the Supreme Court has repeatedly held, “if a precedent of this Court has direct application in a case,” lower courts “should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions.” *Agostini v. Felton*, 521 U.S. 203, 237 (1997).

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

Response: In the Sixth Circuit, “a three-judge panel may not overturn a prior decision unless a Supreme Court decision mandates modification of [circuit] precedent.” *RLR Invs., LLC v. City of Pigeon Forge*, 4 F.4th 380, 390 (6th Cir. 2021). The Sixth Circuit may otherwise overrule its precedent only in an en banc proceeding. Federal Rule of Appellate Procedure 35(b)(1) and 6th Cir. I.O.P. 35(a) provide factors that the en banc court should consider in determining whether to overturn published circuit precedent, including, for example, whether the existing precedent has created a circuit split or conflicts with other decisions from the Sixth Circuit or the Supreme Court.

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

Response: In determining whether to overrule its own precedent, the Supreme Court considers “the strength of the grounds on which” the precedent rests, *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 234 (2022), “the nature of the[] error, the quality of the[] reasoning, the ‘workability’ of the rules” the precedent imposes, any “disruptive effect on other areas of the law,” and the presence or “absence of concrete reliance.” *Id.* at 268. The Court has also said that the doctrine of stare decisis “is at its weakest when we interpret the Constitution because a mistaken judicial interpretation of that supreme law is often practically impossible to correct through other means.” *Ramos v. Louisiana*, 590 U.S. 83, 105-06 (2020) (quotation marks and footnotes omitted). As a nominee to the district court, it would be inappropriate for me to opine on when the Supreme Court should overturn its precedent; if confirmed, it will be my job to apply all binding Sixth Circuit and Supreme Court precedent.

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

**a. *Brown v. Board of Education***

Response: In line with the past practice of numerous nominees, I believe it appropriate for me to offer my view that both *Brown* and *Loving* were correctly decided. As to the other cases listed here, it would not be appropriate for me to offer commentary on the work of the Supreme Court or assert whether I believe they were correctly decided. As a lower court judge, I would follow all binding precedents of the Supreme Court and the Sixth Circuit.

**b. *Plyler v. Doe***

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

**c. *Loving v. Virginia***

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

**d. *Griswold v. Connecticut***

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

**e. *Trump v. United States***

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

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

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

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

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

**h. *Obergefell v. Hodges***

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

**i. *Bostock v. Clayton County***

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

**j. *Masterpiece Cakeshop v. Colorado***

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

**k. *303 Creative LLC v. Elenis***

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

**l. *United States v. Rahimi***

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

**m. *Loper Bright Enterprises v. Raimondo***

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

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

Response: As a district judge, my job would be to faithfully apply all applicable Supreme Court and Sixth Circuit precedent on questions of constitutional interpretation. If I were to encounter a question of constitutional interpretation that was not addressed by precedent from either of those higher courts, I would employ methods of interpretation used by the Supreme Court and the Sixth Circuit. Those courts have routinely interpreted constitutional and statutory provisions according to their original public meanings. See, e.g., *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004); *Energy Mich., Inc. v. Mich. Pub. Serv. Comm’n*, 126 F.4th 476 (6th Cir. 2025); *Johnson v. Bauman*, 27 F.4th 384 (6th Cir. 2022).

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

Response: Please see my answer in Question 17.

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

Response: The Supreme Court recognized such a right in *Obergefell v. Hodges*, 576 U.S. 644 (2015). As a lower court judge, I would apply *Obergefell* and all other precedents of the Supreme Court.

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

Response: The Supreme Court recognized such a right in *Loving v. Virginia*, 388 U.S. 1 (1967). As explained above in my responses to Questions 16.a and 16.c, I agree that *Loving* was correctly decided. And, in any event, as a lower court judge, I would be bound to apply *Loving* and all other precedents of the Supreme Court.

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

Response: The Equal Protection Clause of the Fourteenth Amendment provides that no State may “deny to any person within its jurisdiction the equal protection of the laws,”

and the Due Process Clause of the Fourteenth Amendment provides that no State may “deprive any person of life, liberty, or property, without due process of law.” As a lower court judge, it would be my duty to apply these clauses as they have been interpreted by the Supreme Court and the Sixth Circuit. I understand the Supreme Court to have held that the Equal Protection Clause prohibits State governments from classifying persons in ways that lack a rational basis or that infringe on fundamental rights or act on the basis of suspect or quasi-suspect classifications. See, e.g., *Armour v. City of Indianapolis*, 566 U.S. 673 (2012). I also understand the Supreme Court to have interpreted the Due Process Clause to establish both procedural rules and substantive rights. See, e.g., *Jones v. Flowers*, 547 U.S. 220 (2006) (procedural rules); *Meyer v. Nebraska*, 262 U.S. 390 (substantive rights).

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

Response: The Supreme Court has applied these provisions in the contexts of sex-based discrimination, see, e.g., *United States v. Virginia*, 518 U.S. 515 (1996), and sexual orientation, see, e.g., *Romer v. Evans*, 517 U.S. 620 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003); *Obergefell v. Hodges*, 576 U.S. 644 (2015). As with all precedents of the Supreme Court, I would faithfully apply those decisions if confirmed. To the extent this question seeks an opinion or commitment as to how I would rule on particular issues involving individuals in either of these groups, it would be inappropriate for me to provide such an answer.

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

Response: Please see my response above in Question 17.

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

Response: Please see my response above in Question 17.

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

Response: If I am confirmed, I will follow all binding precedents of the Supreme Court and the Sixth Circuit regarding the scope of First Amendment protections. Because this question implicates issues that are the subject of ongoing litigation and could come before me if I am confirmed, it would be inappropriate for me to comment further pursuant to the Code of Conduct for United States Judges.

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

Response: If I am confirmed, I will follow all binding precedents of the Supreme Court and the Sixth Circuit regarding content-based and content-neutral speech regulations. The Supreme Court and the Sixth Circuit have identified factors relevant to distinguishing between content-based and content-neutral regulations. Those factors, for example, include whether a law regulates speech based on “the topic discussed or the idea or message expressed.” *City of Austin v. Reagan Nat’l Advertising of Austin, LLC*, 596 U.S. 61, 69 (2022) (quoting *Reed v. Town of Gilbert*, 576 U.S. 155 (2015)).

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

Response: In *Counterman v. Colorado*, 600 U.S. 66, 69 (2023), the Supreme Court held that “[t]rue threats of violence are outside the bounds of the First Amendment’s protection and punishable as crimes.” The Court further held that “[t]rue threats are ‘serious expression[s]’ conveying that a speaker means to ‘commit an act of unlawful violence.’” *Id.* at 74 (quoting *Virginia v. Black*, 538 U.S. 343, 359 (2003)). If I am confirmed, I will faithfully follow *Counterman* and any other applicable binding precedents on this issue.

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

Response: The Supreme Court has held that Fifth Amendment’s “Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). In any case, there will still remain a question of what “process” is “due.” To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending, under the Code of Conduct for United States Judges, it is not appropriate for me to opine on legal questions that might come before me if I were to be confirmed.

**29. 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 28.

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

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

Response: The Supreme Court held that “children born of parents unlawfully or temporarily present in the United States ... are thus subject to the jurisdiction of the United States ... [and] are citizens at birth.” *Trump V. Barbara*, 146 S. Ct.

2438, 2450 (2026). If I am confirmed, I will faithfully apply all binding precedent.

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

Response: Please see my response to Question 39.

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

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

- 32. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.**

- a. How do you view the role of federal judges in implementing the *First Step Act*?**

Response: Federal judges are obligated to faithfully and impartially apply the *First Step Act*, just like any other federal statute. If I am confirmed, I will do so, and I would also faithfully apply any decisions from the Supreme Court and Sixth Circuit interpreting the *First Step Act*.

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

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

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

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

Response: No

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

Response: No

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

Response: No

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

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

Response: No

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

Response: No

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

Response: No

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

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

Response: No

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

Response: No

- c. Were you ever involved in or asked to contribute to Project 2025 in any way?**

Response: No

- d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?**

Response: No

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

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

Response: No

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

Response: No

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

Response: No

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

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

Response: No

- b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?**

Response: No

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

Response: No

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

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

Response: No

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

Response: No

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

Response: No

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

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

Response: No

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

Response: No

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

Response: No

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

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

Response: No

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

Response: No

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

Response: No

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

Response: I am unaware of any donation made in support of my nomination, or anyone else’s nomination, to a federal judgeship. Most of the named organizations in this series of questions are organizations I have never heard of. To the extent that this question asks about policy or legal views on whether certain donations should be disclosed, under the Code of Conduct for United States Judges, it would be inappropriate for me to answer. Rest assured that I will follow all ethical rules.

- 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 answer to Question 40.d.

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

Response: Please see my answer to Question 40.d.

**Nomination of Daniel Lewis Ballou**  
**Nominee to the U.S. District Court for the Eastern District of Kentucky**  
**Questions for the Record**  
**Submitted September 23, 2026**

**QUESTIONS FROM SENATOR WHITEHOUSE**

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

1. In 2011, the Kentucky Judicial Conduct Commission publicly reprimanded you for publicly endorsing a candidate for public office and engaging in political activity. It was reported that you declined to comment on the reprimand, except to say, "I have a lot more important things to be concerned with."

- a. Is it appropriate for a federal judge to endorse a candidate for public office or engage in political activity?

Response: It is not appropriate for a federal judge nor for a Circuit Judge in Kentucky. I cannot and will not make excuses for my email sent in 2010, pertaining to Dr Rand Paul's campaign for United States Senate. I received a public reprimand and deservedly so. Concerning my statement, "I have a lot more important things to be concerned with," I would like to note that my public reprimand came in September 2011, a couple weeks after my wife and I buried our seven-year-old son, Dempsey Ballou. Under the circumstances, I did have more important things to be concerned with than a public reprimand over an email.

- b. How important is the rule prohibiting federal judges from doing so?

Response: The rule is very important.

**Senate Judiciary Committee**  
**Hearing on Nominations**  
**September 16, 2026**  
**Questions for the Record**  
**Senator Amy Klobuchar**

For Daniel Ballou, to be U.S. District Judge for the Eastern District of Kentucky

In 2018, when you were running to serve on the Kentucky Supreme Court you were critical of drug courts, mental health courts, and veterans' courts. You wrote "that all the social engineering we are doing in the court system is doing great harm by validating and encouraging excuse making and promoting a lack of accountability." For years, I have pushed to increase funding for drug treatment courts because they are effective in reducing violent crime.

- If confirmed as a district court judge, will you respect Congress' policy decisions to promote the diversion of non-violent offenders to treatment programs like drug courts and veterans' courts?

Response: Yes. I will respect Congress' policy decisions in every respect including the diversion of non-violent offenders into treatment programs including specialty courts. I believe that juvenile drug court here in Kentucky was an excellent use of taxpayer's money. I presided over this court when I was a state District Judge. However, due to budget constraints, it was discontinued years ago. I do not have a blanket objection to specialty courts and even if I did, I would respect decisions made by the United States Congress as well as the Kentucky legislature.

**Nomination of Daniel Ballou  
to the United States District Court for the Eastern District of Kentucky  
Questions for the Record  
Submitted September 21, 2026**

**QUESTIONS FROM SENATOR COONS**

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

Response: Yes, the Constitution vests the Senate with the power of advice and consent for judicial nominations. U.S. Const., art. II, § 2.

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

Response: Yes, subject to applicable ethical guidelines.

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: No. My responses 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 it is only appropriate for me to answer my own questions. If my answers agree with an answer of other nominees, that is not a problem.

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

Response: No.

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

Response: No.

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. In your Senate Judiciary Questionnaire, you note that President Trump called you on August 18, 2026, to inform you that he planned to nominate you to a judgeship.

- a. How long did the call last?

Response: I do not know exactly how long the call lasted, but I estimate approximately three minutes.

- b. What topics or issues were discussed?

Response: President Trump informed me he was nominating me. We exchanged pleasantries and discussed my qualifications for the role, and I thanked him for the nomination.

- c. Other than you and President Trump, did anyone else join the call? If so, who?

Response: No one else was on the call and the only other person present was my wife. We were on our front porch.

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

Response: Judge Eugene Siler, Jr. United States Court of Appeals for the Sixth Circuit, senior judge.

7. How would you describe your judicial philosophy?

Response: I would describe myself as an originalist and textualist. I like to describe role as a judge as a referee. I go by the rules and call balls and strikes. I do not make the rules. I stay in my lane.

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

Response: I look to precedent, and here, I look to *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997). which says a right is fundamental and protected under the Fourteenth Amendment if it deeply rooted in the nation's history and tradition and consistent with the concept of ordered liberty.

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

Response: Yes, the Supreme "Court's incorporation of certain guarantees in the Bill of Rights ... is ... long established." *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010) (Scalia, J., concurring). "With only 'a handful' of exceptions, th[e Supreme] Court has held that the Fourteenth Amendment's Due Process Clause incorporates the protections contained in the Bill of Rights, rendering them applicable to the States." *Timbs v. Indiana*, 586 U.S. 146, 150 (2019).

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

Response: Yes, and I would look to Supreme Court precedent and Sixth Circuit precedent. Please also see my response to Question 8.a.

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

Response: I would first look at the Supreme Court precedent, and next to Sixth Circuit precedent. If no precedent existed on point, I would look to other circuits.

- d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent? If so, how does the existence of a similar right impact your analysis?

Response: Yes. The existence of a similar right would certainly impact my analysis.

- e. What other factors would you consider?

Response: I would look to any relevant or similar factors identified in applicable precedent from the Supreme Court and the Sixth Circuit.

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

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

Response: Yes.

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

Response: Three.

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

Response: No.

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

Response: My understanding is that if Congress certifies a candidate as being the winner of a presidential election, it means the candidate has been elected President.

11. At your hearing, Senator Blumenthal asked you who won the 2020 election. You stated that “Joe Biden was certified as the winner.”

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

Response: I did not prepare specific answers to any questions. I did watch prior hearings on the Senate Judiciary Committee website, and I thought about how I might answer questions asked by all Senators.

b. Prior to the hearing, did anyone instruct, suggest, imply, or otherwise represent that you should avoid directly answering questions about who won the 2020 election? If so, please explain. If not, please explain how you, without any outside input, made the decision to reply with who was *certified* the winner when asked about who *won* the 2020 election.

Response: No.

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

Response: No, I do not believe I would face any adverse consequences of any kind for my answers.

12. The *New York Times* reported that on March 25, 2026, President Trump stated the following at a National Republican Congressional Committee event: “The time has also come for Republicans to pass a tough new crime bill that imposes harsh penalties for dangerous repeat offenders, cracks down on rogue judges. We got rogue judges that are criminals. They are criminals, what they do to our country. The decisions that they hand down and hurt our country.”

- a. Is it a crime for a judge to rule against President Trump’s desired outcome in a particular case?

Response: No

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

Response: This question seems to be looking for my opinion on statements by public figures or political controversies. As a judicial nominee, the Code of Conduct and answers given by past nominees counsel against commenting on such statements or matters. See Code of Conduct for United States Judges, Canon 5.

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

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

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

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

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

Response: Please see my response to Question 12.b. And, I cannot speak to anyone other than myself. I can only assert confidently that I do not base any judicial decisions on anything other than the law.

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

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

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

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

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

Response: I will follow the criteria stated in the statute as well as Code of Conduct for United States Judges, and all other applicable laws, regulations and ethics rules. As a judicial nominee, it would not be appropriate for me to forecast how I would resolve a recusal issue, but I assure you that I believe in maintaining the public’s confidence in the judicial system.

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

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

Response: Yes

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

Response: Yes, Congress has determined that “terminat[ing] a term of supervised release” early can in certain circumstances serve “the interest of justice,” which could include providing an incentive for individuals to rehabilitate. 18 U.S.C. § 3583(e)(1).

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

Response: Yes

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

Response: The question asks about current alleged political disputes and ongoing litigation. Under the Code of Conduct for United States Judges, it would be inappropriate for me to comment.

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

Response: Yes, the Supreme Court has recognized that “freedom to travel throughout the United States has long been recognized as a basic right under the Constitution.” *United States v. Guest*, 383 U.S. 745, 758 (1966).

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

Response: I would look at all precedents as well as statutory law, the Supreme Court’s holding that “[t]he ‘right to travel’ discussed in our cases embraces at least three different components. It protects the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State.” *Saenz v. Roe*, 526 U.S. 489, 500 (1999). To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges it would be inappropriate for me to weigh in further.

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

Response: The Supreme Court has recognized a constitutional right to privacy in certain contexts. For example, in *Eisenstadt v. Baird*, 405 U.S. 438 (1972), the Court opined that “[i]f the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.” 405 U.S. 438, 453 (1972). If confirmed, I would faithfully apply all binding precedent.

- a. Do you agree that that right protects a woman’s right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: Yes, according to the Supreme Court, *Griswold* recognized a right to use contraception. See, e.g., *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 262 (2022); *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997).

18. What specific method of analysis do you apply when interpreting constitutional provisions?

Response: I first look to Supreme Court precedent, then to Sixth Circuit precedent, then to persuasive authority from other Circuits. If there is no precedent on point, I look at the original public meaning.

- a. Why do you apply this method of analysis? On what grounds do you conclude this method is the correct one to apply?

Response: I am obligated to follow binding precedent and would continue to do so if confirmed. I look to potential precedent from other Circuits to find authority on the issue in question which has been reviewed by the courts there. Finally, if no precedent on point exists, looking to the original public meaning seems to me to be the best method of correctly determining the issue in question.

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

Response: Yes, the Supreme Court has held that Fifth Amendment’s “Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). In any case, there will still remain a question of what “process” is “due.” To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

20. What was the holding of the Supreme Court’s ruling in *Trump v. Barbara*? Will you faithfully apply that precedent if confirmed?

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

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

Response: I would first follow my approach as a Circuit Judge in Kentucky. I would do my best to talk them into following the order and explain the possible ramifications of not doing so. If that does not work, I would set a contempt hearing. If that did not work, I would hold a contempt hearing.

22. What facts, circumstances, and authoritative precedent would you use to determine whether a party was engaging in abusive litigation tactics, such as excessive discovery requests, repeatedly or frivolously filing motions, or other procedural delays?

Response: I would follow precedent and statutory law including Federal Rule of Civil Procedure 26. Presumably if that conduct were alleged, the offended party would file a Rule 11 motion and I would schedule a hearing. Beyond that, as a judicial nominee, it would not be appropriate for me to comment on hypothetical cases or matters that are the subject of pending litigation. See Code of Conduct for United States Judges, Canons 3 & 5.

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

Response: My usual approach is to give the offending party an opportunity to redeem themselves. If that does not work, sanctions such as attorney's fees are available and may be appropriate in certain circumstances.

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

Response: A judge's decision should be based on the law.

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

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

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

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

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

Response: When I was a state court District Judge from January 2003 to November 2007, I presided over juvenile drug court. I am most proud of that role because I am proud of

the hard work that the kids did as part of that program. Most of them squared themselves away. The opportunity to see young people go from failing out of school and facing trouble with the law, to achieving academically and avoiding re-offending, was the most rewarding and enjoyable experience I have had as a member of Kentucky's judiciary in nearly twenty-four years. Watching the kids mature and accomplishing goals was an amazing experience I will cherish for the rest of my life.

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

Response: I have not considered this idea yet, and I am therefore uncertain if I would implement a standing order because I am hesitant to direct a law firm on how to manage their case. However, I do think it is a good idea to encourage the development of junior lawyers.

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

Response: I believe the best way to support young lawyers is for the judge to be encouraging, accommodating, and especially courteous to the new lawyers so they do not dread coming to court. It is of course important to maintain proper decorum and high expectations of professionalism, but that can be done while creating a welcoming environment especially for those new to our profession.

28. Discuss your proposed hiring process for law clerks.

Response: I think the most important attribute for law clerks is exceptional legal research and legal writing skills, along with the maturity to grasp the importance of the work.

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

Response: That is a political and policy question, and under the Code of Conduct for United States Judges, it would be inappropriate for me to address this legislative proposal.

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

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

Response: I will ensure that there is no discrimination in my chambers. I will protect my law clerks and all chambers staff like I protected my troops. No one will endure mistreatment and I will work to protect them.

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

Response: I will have, as I always have had, an open-door policy to my employees for any problem they have. I think the most important thing about leadership is making sure your people know you care and know you will fight for them.

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

Response: The specifics of the inappropriate activity would dictate my approach to some degree. However, I will address the problem regardless of the specifics.

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

Response: I do not know if it was an “insurrection” and I cannot determine that as I do not know one single person involved. The legal terms used to characterize the events at the Capitol on January 6, 2021, are the subject of political debate and was the subject of litigation in *Trump v. Anderson*. Moreover, the effect of pardons issued to those prosecuted for actions taken related to the events at the Capitol on January 6, 2021, is subject to ongoing litigation that could arise in cases that could come before me if I am confirmed to serve as a district court judge. Therefore, under the Code of Conduct for United States Judges, it would be inappropriate for me to address

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

Response: Please see my response to Question 30.

31. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be

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

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

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

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

33. In 2011, the Kentucky Judicial Conduct Commission charged you with two counts of judicial misconduct—one in 2008 and another in 2010—for failing to refrain from inappropriate political activity. Indeed, the 2010 charge resulted in a public reprimand by the Commission. In response to the reprimand, you commented, “I have a lot more important things to be concerned with.”

- a. Do you stand by those words today?

Response: Yes, I do because I received the public reprimand in September 2011, approximately two weeks after my wife and I buried our seven-year-old son, Dempsey Ballou. Our grief was my priority at that time. Since then, I have always endeavored to comply with all judicial canons and ethics rules.

- b. What have you learned from the public reprimand?

Response: I should not have sent that email concerning Dr. Rand Paul’s campaign for United States Senate in 2010. I am not one to make excuses. Right is right and wrong is wrong no matter who you are, and I was wrong.

- c. What changes, if any, have you made in how you conduct yourself after being publicly reprimanded?

Response: Since then, I have not had any involvement in any campaigns. I learned since the 2010 race to keep my opinions to myself and to vote in silence.

34. In your 2018 campaign for a seat on the Kentucky Supreme Court, you filled out a candidate questionnaire. In the questionnaire, you stated that judicial activism “is one big problem across America.”

- a. What did you mean by that statement?

Response: “Judicial activism” refers to the practice of judges deciding cases based on their preferred outcome due to personal policy or moral preferences, especially when the judge’s ruling creates new law, rather than following applicable law and binding precedent. Often, if not most of the time, when judges get out of their lane, operate in the area of responsibility of others, they have the best of intentions. When a judge sees a problem that needs fixing, it is natural to want to, and attempt to, fix it. That temptation comes with the purest and most sincere goals most of the time, but judges need to guard against the human instinct to reach outside of our role. The authority assigned to members of the judiciary, at the state and federal level, must of course be limited to maintaining the proper balance between the three branches of government.

- b. In 2018, to which judges were you referring when you cited judicial activism as “one big problem”?

Response: As detailed in my answer above, I am referring potentially to all judges. We must all guard against activism. That is why I did not use the term “judicial activism” as a political phrase, but as a guide for professional discernment and self-reflection for all members of the state and federal judiciary.

- c. In 2018, to which cases were you referring when you cited judicial activism as “one big problem”?

Response: I was not referring to any particular case, but to human nature and the unique role judges play in our government.

- d. Has your view changed since then?

Response: No

35. In the same questionnaire, you were asked about the growing prison population and prison overcrowding. In response, you wrote, “it isn’t that hard to put up some . . . tents in a field with razor wire around the perimeter. . . .”

- a. What did you mean by that statement?

Response: I know little about prison or jail overcrowding other than what I have heard from some county jailers here in Kentucky. In 2018, I was asked about it, but my personal and professional knowledge about this is limited. However, I do know about living in CP/GP tents with MREs and water buffaloes given my experience in the United States Marine Corps. While serving in combat zones, I was thrilled when we had General-Purpose tents with cots, heaters when needed, MREs and occasional hot meals, and plenty of water from water buffaloes. Those

things felt like luxuries. My point to the questioner about prison overcrowding was that criminals should not expect to live better than our troops in the field. I have never, and will never, tolerate mistreatment of any person in custody whether they are accused or convicted. It is up to the legislature to fund the State Department of Corrections and Federal Bureau of Prisons how they see fit. Prison overcrowding is a legislative issue not a judicial issue in my humble opinion.

- b. Do you stand by these statements? Why or why not?

Response: Yes. Beyond that, please see my response to Question 35.a.

**Questions for the Record for Justice Daniel Lewis Ballou**  
**Submitted by Senator Richard Blumenthal**  
**September 23, 2026**

1. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

Response: I will recuse myself from any case in which I have been involved. More generally, if confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such 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: Yes. If confirmed, I will adhere to all ethical rules and obligations that apply to federal judges.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Yes.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

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

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

Response: It would be inappropriate for me as a judicial nominee to respond to this question to the extent it involves an issue that could come before me if I am confirmed. And to the extent the question asks about my views on questions of policy or political disputes, it would be inappropriate under the Code of Conduct for United States Judges for me to weigh in. The Supreme Court held that “[t]he power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and, consequently to the due administration of justice.” *Bessette v. W. B. Conkey Co.*, 194 U.S. 324, 327 (1904). If confirmed, I will faithfully apply this precedent and all binding precedent.

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

Response: Under the Code of Conduct for United States Judges, it would be inappropriate for me as a nominee to weigh in on this question, both because it implicates ongoing political disputes and because the issue could arise before me if I am confirmed to serve as a federal judge.

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

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

Response: Yes, if I had proper jurisdiction. If I did not have jurisdiction, I could issue an order dismissing the case.

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

Response: Yes, if I had jurisdiction over the case and the parties.

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

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

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

Response: The normal practice for any party who has been bound by a federal court order is to seek a stay of that order from the district court, and from appellate courts if needed, and to appeal the order when the applicable law provides for an appeal. If the order is not stayed, the normal course is for the party to comply with the order unless and until it is vacated or reversed by an appellate court. There are some potential exceptions, for example if the court does not have jurisdiction or if it is impossible for a party to comply with a court's order, that can sometimes excuse compliance with the order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1996). And there are some interlocutory orders, particularly in the discovery context, that a party may need to disobey in order to preserve the party's rights and be able to immediately appeal.

- 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 would be unlawful if it is wrong on the merits or entered without jurisdiction.

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

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

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

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

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

Response: No. I was at the Bass Pro Shop in Sevierville, Tennessee.

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

Response: No. I was at the Bass Pro Shop in Sevierville, Tennessee.

7. As part of your 2018 campaign for the Kentucky Supreme Court, you published a YouTube advertisement in which your pastor encouraged voters to support your candidacy "if you want God's man and you want God's will to be done in Kentucky." Another ad urged voters to support your campaign as you are "for the Bible."

- a. If confirmed, how will you ensure that your personal religious beliefs do not influence your judicial determinations?

Response: I will follow the law. As a state court judge, I have put aside my personal beliefs for many years when deciding cases. The judicial oath as a Judge requires and that of me and this is what I do.

8. With respect to the issue of prison overcrowding, you have claimed that it “really isn’t that difficult.” You asserted that “it isn’t that hard to put up some CP or GP tents in a field with razor wire around the perimeter and some water buffalos and MRE’s.” Does this reflect your current view on prison overcrowding?

Response: I know little about prison or jail overcrowding other than what I have heard from some county jailers here in Kentucky. In 2018, I was asked about it, but my personal and professional knowledge about this is limited. However, I do know about living in CP/GP tents with MREs and water buffaloes given my experience in ground combat units of the United States Marine Corps. While serving in combat zones, I was thrilled when we had General-Purpose tents with cots, heaters when needed, MREs and occasional hot meals, and plenty of water from water buffaloes. Those things felt like luxuries. My point to the questioner about prison overcrowding was that criminals should not expect to live better than our troops in the field. I have never, and will never, tolerate mistreatment of any person in custody whether they are accused or convicted.

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

**September 16, 2026**

**Questions for Daniel Lewis Ballou (U.S. District Court for the Eastern District of Kentucky):**

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

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

Response: I have no personal or professional knowledge of Wisconsin's certification of that, or any, 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: I have no personal or professional knowledge of Pennsylvania's certification of that, or any, election.

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

Response: I have no personal or professional knowledge of Georgia's certification of that, or any, election.

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

Response: I have no personal or professional knowledge of Arizona's certification of that, or any, election.

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

Response: I have no personal or professional knowledge of Nevada's certification of that, or any, election.

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

Response: I have no personal or professional knowledge of Michigan's certification of that, or any, election.

- 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 have no personal or professional knowledge of state's certification other than Kentucky.

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

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

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

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

Response: If I had personal knowledge of election law violations I would be obligated to report it and I would do so.

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

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

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

- 5. On January 6, 2021, a mob attacked the United States Capitol and more than 140 law enforcement officers were assaulted. President Trump has repeatedly described that day as "a day of love."

- a. Do you believe that January 6, 2021 was a "day of love"?

Response: As a judicial nominee and Kentucky Circuit Judge, it would be inappropriate for me to comment on political debates or statements by political figures. See Code of Conduct for United States Judges, Canons e & 5.

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

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

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

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

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

7. 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

8. 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: I believe the Code of Conduct for United States Judges prohibits me from answering questions of this nature.

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

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

*Lawrence v. Texas*, 539 U.S. 558 (2003).

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

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

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

Response: Judge Eugene Siler Jr. United States Court of Appeals, Sixth Circuit, senior judge. Judge Siler is known for being thoughtful and reasoned in following precedent and not trying to make law. Furthermore, he is one of the most humble, kind, and down-to-earth people on earth. There has never been a danger of him thinking his robe was anything other than his uniform as a public servant.

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

Response: I will follow the precedent of the United States Supreme Court and the Sixth Circuit, without reference to my personal opinions on any topic.

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

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

Response: I believe all aspects of diversity, including but not limited to diversity of ideas, is an asset at all levels of the judiciary and everywhere else in American life.

- 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. Please describe how you plan to find and hire law clerks. Will you consider candidates from various law schools and backgrounds, including first-generation lawyers?

Response: Yes, I will consider all candidates. I will use the OSCAR system to find law clerks if I am confirmed.

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

Response: Yes.

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

Response: I will ensure that no one who applies for a clerkship with me will be discriminated against for any reason.

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

- a. What does the 22nd Amendment state?

Response: The Twenty-Second Amendment states:

#### Section 1

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

#### Section 2

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

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

Response: No.

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

Response: Two times.

- 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 under that amendment, would you have any hesitation in ruling against them regardless of that individual's political standing or the political consequences of your decision?

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

14. 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: It is vitally important to me that all litigants appearing before me be treated with respect, and that all parties' claims receive the same full and fair consideration. The best way to refer to a litigant, witness, or attorney may depend on an unknown number of circumstances, and it would not be appropriate for me as a judicial nominee to commit in advance to a one-size-fits-all approach, except to say that I will take great care to treat everyone with the same degree of respect.

15. 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: Generally, yes in keeping with *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I would faithfully apply this and other Supreme Court and Sixth Circuit precedent regarding this as in all other cases.

16. 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

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

Response: A show cause hearing for contempt is the first thing that I would employ. Federal Rule of Civil Procedure 62 lays out tools available to federal judges to enforce their orders, such as sanctions or contempt proceedings.

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

If not, please identify any publicly accessible social media, blog, forum, or other online account that you have created, maintained, controlled, contributed to, or posted under, on any platform. Please include any non-private (or any previously non-private) accounts on Twitter/X, Facebook, Instagram, LinkedIn, YouTube, TikTok, Truth Social, Substack, Reddit, any personal blogs or websites, or any comparable platforms. For each account, please state:

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

Response: I had a campaign Facebook account in 2018 which was deactivated in 2018 and was disclosed on my Senate Judiciary Questionnaire. I had a campaign web page in 2018 danballou.com which is still publicly available with references to my 2018 campaign deleted. I disclosed all responsive materials in my Questionnaire.

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

Response: No.

20. 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: To have standing, the Supreme Court has held that a plaintiff “must have (1) suffered an injury in fact,(2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016). Examining the pleadings would be a first step to determining Article III standing.

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

Response: It is difficult to ascertain possible “harms,” but upholding the legal requirements of federal jurisdiction is foundational to our judicial system.

- 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: Yes.

- 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 Question 20.a.

21. In a 2018 questionnaire, you raised an objection to the "over emphasis" of specialty courts including “drug court, mental health court, [and] veterans' court.” At your nomination hearing, you stated that “my concern with these specialty courts is basically what I said, they become avenues for excuse making.”

- a. You described juvenile drug court as a “fantastic program.” What about that specialty court program do you believe worked well in Kentucky?

Response: Our juvenile drug courts were intense and required a great deal of the kids. They literally did not have much time to get into trouble after they were admitted to juvenile drug court. Additionally, the program appealed to kids inherently seeking needing guidance and positive influences in their lives. Many of these kids did not have that elsewhere. For some, their first experiences with discipline, as well as positive reinforcement, was in our drug court. Holding them to high standards of conduct and expectations of work and achievement changed many of their lives. They earned self-esteem, pride, and a sense of accomplishment. One of the greatest blessings of my life has been seeing kids go from the edge of catastrophe to graduating from high school with honors. Many of these kids went from dread and fear of having to come to court, to excited to be in court to show me their report cards

and receive praise from the judges. I am forever proud of these young people who decided to change their direction in life.

- b. What specific statistics or evidence are you basing your opinion on?

Response: I am not basing my opinion on statistics or evidence. I am basing it on my personal experience with juvenile drug court.

### **Questions for the Record**

#### **Daniel Ballou – Nominee to be United States District Judge for the Eastern District of Kentucky**

Sen. Adam Schiff (D-CA)

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

Response: Generally, it is the breach of public trust and the abuse of official position by government officials at the local, state, or federal level who use their public authority for personal gain.

- 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: Yes, as I broadly defined the term in my response to Question 1. I would need more information to determine if a violation of a particular part of federal law occurred.

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

Response: Yes

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

Response: Article III, Section 2 of the U.S. Constitution limits federal courts to hearing real, active legal disputes instead of abstract or hypothetical questions. Article III of the United States Constitution provides that “[t]he judicial Power” of federal courts extends to “Cases” and “Controversies.” This implicates, among other things, the doctrines of standing, ripeness, mootness, and whether the case involves a political question or some other nonjusticiable dispute. *See generally DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 352 (2006).

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

Response: Yes, generally. The Supreme Court has stated that Article III requires a concrete dispute between opposing parties. *See United States v. Windsor*, 570 U.S. 744, 755 (2013). However, there may be exceptions including certain ex parte or uncontested matters (naturalization proceedings, search warrant approval), and (sometimes) when a party stops defending an action.

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

Response: I have not encountered this situation during my career. If this situation came before me, I can assure the Committee that I would research the matter and apply any applicable precedent.

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

Response: The legal profession responds to frivolous lawsuits through a combination of early motions to dismiss, motions for sanctions, ethical rules, and counterclaims.

3. How would you describe your judicial philosophy?

Response: I would describe myself as a textualist and originalist. In terms of a layperson, I describe myself as a referee. I go by the rules and call balls and strikes. I do not make the rules, nor do I have any desire to do so. I stay in my lane.

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

Response: I would describe my philosophy of statutory interpretation as a textualist. I look at the plain language of the statute.

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

Response: See my response to Question 4.a.

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

Response: Statements made by legislators are not law. I will follow the law and if there is ambiguity in statutory language, I will look to U.S. Supreme Court precedent on statutory construction and Sixth Circuit precedent.

6. 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: It would be inappropriate for me to comment on the judicial philosophy of any Supreme Court Justice. My responsibility is to follow precedent. The decision to overrule United States Supreme Court precedent resides with the justices of the United States Supreme Court. If confirmed as a district court judge, I would have no role in that decision. As a lower court judge, I would be bound to fairly and faithfully follow all binding United States Supreme Court and Sixth Circuit precedents. To the extent this question calls for a response

expressing an opinion on a legal issue or a matter of political controversy, it would be inappropriate for me, as a judicial nominee, to offer a view. See Code of Conduct for United States Judges, Canons 3 and 5.

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

Response: In addition to my response to Question 6.a, I will add that I will follow precedent. I do so now as a state trial court judge, and I will do the same as a federal trial court judge if I am fortunate to be confirmed.

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

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

- 7. You published several advertisements during your 2018 Kentucky Supreme Court campaign. In one such advertisement, your pastor noted that voters should support you “if [they] want God’s man and [they] want God’s will to be done in Kentucky.” In another advertisement, you were described as a strong conservative, being against abortion, and being for the Bible.

- a. What does it mean for God’s will to be done in Kentucky as a federal judge bound to follow the law if the law conflicts with your religious beliefs?

Response: I cannot speak for my pastor of course, but I believe God’s will for me as a judge is to serve the people by following the law, not make the law. In nearly twenty-four years on the bench, I have had no problem following the law regardless of what I think of it.

- b. If confirmed as a federal judge, do you believe the Bible, or any religious texts, should play a role in deciding matters of law?

Response: No, contrary to what some may believe, my walk with Christ compels me to follow the law as it is my duty under my oath as a member of the judiciary. I believe that following the law of civil government and seeking to follow Christ are not mutually exclusive endeavors. I will obey my oath of judicial office.

- c. If confirmed as a federal judge, would your opposition to abortion influence what federal and state law have determined is legal?

Response: If I am confirmed, I will faithfully follow the Supreme Court’s binding precedent on such topics, including *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022). To the extent this question seeks my personal views, as a federal judicial nominee, it would be inappropriate for me to opine as the question asks me to comment on a matter of legal and political controversy. See Code of Conduct for United States Judges, Canons 3 and 5.

- d. Given these statements, how would you assure litigants who appear before you who are non-religious or hold a different religious belief that you will fairly hear their cases?

Response: Please see my response to Question 7.c. I will add that I have had litigants in my court who are non-religious and of different faiths for over two decades. I treat people fairly and render decisions based on the law and the facts. Most people who have appeared in my court only want a fair referee. That is what they get from me.

- e. How do your religious beliefs inform your judicial decision making? In what way?

Response: Please see my responses to Question 7.c. and d.

- 8. In your 2018 candidate questionnaire for the Kentucky Supreme Court, you were posed the question “[w]hat do you perceive as the greatest obstacles to justice, if any?” You wrote that the greatest obstacles to justice are “sin and selfishness,” that “the answer is Jesus,” and that the “answer is not one the government can provide . . . I guess it is because everyone is looking for a government solution to everything.”

- a. What did you mean when you said that “sin and selfishness” are the greatest obstacles to justice?

Response: I believe we are all humans are flawed and that we get in our own way through sin and selfishness. Justice is brought about through the fair and impartial application of the law.

- b. What did you mean when you said that the “answer is not one the government can provide?”

Response: Our government has an important role in our lives, particularly in resolving disputes between parties and in enforcing the law through the legal system and the courts. The quote in question relates to profound, personal issues where the government cannot fix every problem, however well-intentioned. For example, religious beliefs can offer the ultimate cure for hurt, anger, fear, hopelessness, addictions of all kinds, hatred, bitterness, and emptiness.

- c. Do you think the government has any role to play in helping to overcome obstacles to justice? How would the view you expressed on sin and selfishness influence your judicial decisions?

Response: If I am fortunate enough to be confirmed, faithfully following my judicial oath will be the guide to providing justice for litigants that appear before me.

9. In 2011, the Kentucky Judicial Conduct Commission publicly reprimanded you for sending campaign materials via email to circuit judges promoting Senator Rand Paul in his bid for the U.S. Senate. You accepted the public reprimand but reportedly wrote in an email that you had “a lot more important things to be concerned with.”

- a. Is it appropriate for federal judges to engage in clearly partisan political activity?

Response: No, and if I am fortunate enough to be confirmed, I will follow the Code of Conduct for United States Judges and all applicable ethical rules.

- b. Is it “unimportant” when a judicial commission determines one of its members violated a core tenant of judicial fairness?

Response: No. I cannot and will not make excuses for my email sent in 2010, pertaining to Dr Rand Paul’s campaign for United States Senate. I received a public reprimand and deservedly so. Concerning my statement, “I have a lot more important things to be concerned with,” I would like to note that my public reprimand came in September 2011, a couple weeks after my wife and I buried our seven-year-old son, Dempsey Ballou. Under the circumstances, I did have more important things to be concerned with than a public reprimand over an email. If I am fortunate enough to be confirmed, I will follow the Code of Conduct for United States Judges and all applicable ethical rules.

- c. What were the “more important things” you had to be concerned with that were more important than being professionally reprimanded?

Response: Please see my response to Question 9.b.

- d. If confirmed as a federal district judge, do you agree to abide by the Code of Conduct for United States Judges?

Response: Yes.

10. In your 2018 candidate questionnaire for the Kentucky Supreme Court, you wrote that “the crime problem is more important than prison overcrowding” and added that “it isn’t that hard to put up some CP [Command Post] or GP [General Purpose] tents in a field with razor wire around the perimeter and some water buffalos and MRE’s [Meal, Ready-to-Eat],” noting that you lived in tent cities while serving as a Marine.

- a. Do you believe prison overcrowding is an important issue?

Response: I do not have any personal or professional knowledge about prison overcrowding. I have not been called upon during my career to examine this issue.

- b. Do you believe that prisoners are entitled to protections under the Eighth Amendment and other constitutional provisions?

Response: Yes.

- c. Do you believe that emergency efforts undertaken in military zones should be copied over to how our country approaches incarceration generally?

Response: In 2018, I was asked about overcrowding in prisons, but my personal and professional knowledge about this is limited. However, I do know about living in CP/GP tents with MREs and water buffaloes given my experience in ground combat units of the United States Marine Corps. While serving in combat zones, I was thrilled when we had General-Purpose tents with cots, heaters when needed, MREs and occasional hot meals, and plenty of water from water buffaloes. Those things felt like luxuries. My point to the questioner about prison overcrowding was that criminals should not expect to live better than our troops in the field. I have never, and will never, tolerate mistreatment of any person in custody whether they are accused or convicted.

- 11. At your Senate Judiciary Committee nomination hearing, I asked about your statements in your 2018 candidate questionnaire for Kentucky Supreme Court, where you referred to judicial activism as “one big problem across America.”

- a. How do you define “judicial activism?”

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

- b. Can you provide an example of a situation in which you believe a court has engaged in “judicial activism?”

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

- c. If a Judge were to overturn decades of precedent because of their personal or religious views, would you view that as judicial activism?

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

- d. Do you commit to setting aside your own personal or religious views when adjudicating cases?

Response: If I am so fortunate as to be confirmed and take the judicial oath, I will continue to set aside my personal views and provide impartial justice, seeking to

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

12. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you which candidate won the 2020 election. You responded that Joe Biden was certified the winner 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: President Biden was certified the winner by Congress and served as the 46<sup>th</sup> President of the United States.

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

Response: President Trump was certified the winner by Congress and is serving as the 47<sup>th</sup> President of the United States.

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

Response: Joe Biden was certified the winner by Congress.

- d. Aside from the Electoral College and the certification of the election, who received the most recorded votes in the 2020 presidential election?

Response: Please see my responses Questions 12.a. to d.

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

Response: Please see my responses Questions 12.a. to d.

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

Response: Please see my responses Questions 12.a. to d.

13. At your most recent Senate Judiciary Committee nomination hearing, you answered Senator Blumenthal's questions about the 2020 presidential election with a response that was substantially similar, if not identical, to the responses of recent nominees.

- a. In preparing for your hearing and your written responses, did anyone, formally or informally, direct, advise, coach, suggest, or recommend how you should answer questions about the 2020 election? If so, who provided that guidance?

Response: No.

- b. In preparing for your hearing and your written responses, were you directed, encouraged, or advised to review the hearing testimony or written responses of previous nominees about the 2020 election? If so, who provided that guidance?

Response: No.