Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Jesus A. Osete
Nominee to be U.S. District Judge for the Western District of Missouri
October 7, 2026

1. In 2020, after the murder of George Floyd, you posted on social media: "The awful and brutal tragedies that have occurred recently, including the weaponizing of one's privilege to endanger another on account of race, are unfortunate reminders that this country continues to struggle with deeply-rooted sins of racism that desperately need healing."[1]

a. Do you stand by this statement?

Response: As President Trump said in 2020 in his address to the Nation, "All Americans were rightly sickened and revolted by the brutal death of George Floyd." Statement by the President, The White House (June 1, 2020), https://tinyurl.com/t6r44fk8. I was no exception. Further, I condemn racism and racial discrimination. As Principal Deputy Assistant Attorney General for Civil Rights, I am proud of the Civil Rights Division's work to root out such discrimination from various contexts, including admissions, employment, and congressional maps.

You also posted on social media several times in support of efforts to increase diversity in the legal profession. On one occasion, you noted you were one of only two Hispanics when clerking on the Eighth Circuit and wrote, "We need more diversity in these institutions."[2]

b. Do you stand by this statement?

Response: No one should be excluded from serving in the federal judiciary on the basis of race, sex, ethnicity, religion, or any other protected characteristic. If confirmed, I will faithfully adhere to Canon 3(B)(3) of the Code of Conduct for United States Judges, which provides that judges "should exercise the power of appointment fairly and only on the basis of merit[.]"

Now, at the Trump Justice Department, you and Assistant Attorney General Dhillon frequently attack diversity initiatives. You have stated that "DEI will either die on its own or we will kill it."[3]

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[1] Jesus A. Osete (@jaosete1), X (May 26, 2020, 8:08 PM), https://web.archive.org/web/20200527072520/https://twitter.com/jaosete1/status/1265479971386130432.
[2] Jesus A. Osete (@jaosete1), X (June 15, 2020, 7:41 PM), https://web.archive.org/web/20200616025231/https://twitter.com/jaosete1/status/1272720999591657472.
[3] James Morley III, *Jesus Osete to Newsmax: DEI Will Die on Its Own or Trump Admin Will Kill It*, NEWSMAX (June 18, 2026), https://www.newsmax.com/newsmax-tv/jesus-osete-chicago-housing-reparations/2026/06/18/id/1260122/.

c. Do you still believe we need more diversity in our institutions, including among the federal judiciary and its employees?

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

Following an article about then-Solicitor General Noel Francisco's departure from the Department of Justice in 2020,[4] you posted a quote from the article noting that "[d]espite being representative of 37% of the American population, Black, Latinx, and Asian lawyers made up just 5% of the attorneys arguing before the Supreme Court from 2005 through 2016, according to a recent study."[5] The article was also posted by law professor Leah Litman, who urged her followers to learn about the lack of diversity in the appellate bar and look into ways to support The Appellate Project, to which you replied "Yes!!!"[6] The Appellate Project helps increase representation in the appellate field, specifically arguing that "Diverse voices strengthen legal decisions and public trust in the judiciary."[7]

d. Do you believe the lack of diversity in the appellate bar is a problem?

Response: As a judicial nominee, it would be inappropriate for me to comment on matters of policy or political controversy. *See, e.g.*, Code of Conduct for United States Judges, Canons 3(A)(6), 5.

e. Do you still believe that diverse voices strengthen legal decisions and public trust in the judiciary?

Response: Those were not my words. Please see also my response to Question 1(b).

2. In November 2022, when you were working in the Missouri Secretary of State's Office, you wrote to then-Attorney General Merrick Garland to object to DOJ's planned deployment of officials to monitor Americans with Disabilities Act compliance on Election Day. You argued that federal officials' presence would be "disruptive" and "only undermine confidence in our elections and deter Missourians from casting their votes."

As Principal Deputy Assistant Attorney General, you have requested copies of statewide voter registration lists in Minnesota and New Jersey from those states' officials—purportedly to ascertain "compliance with the list maintenance requirements" of federal voting laws. Assistant Attorney General Dhillon has said the Division plans to "send

[4] Kimberly Strawbridge Robinson, *Noel Francisco's Exit Trims Scant High Court Minority Presence*, BLOOMBERG LAW (June 19, 2020), https://news.bloomberglaw.com/us-law-week/noel-franciscos-exit-trims-scant-high-court-minority-presence.
[5] Jesus A. Osete (@jaosete1), X (June 19, 2020, 6:17 PM), https://web.archive.org/web/20200620012730/https://twitter.com/jaosete1/status/1274149318249844736.
[6] Jesus A. Osete (@jaosete1), X (June 19, 2020, 6:06 PM), https://web.archive.org/web/20200620011008/https://twitter.com/jaosete1/status/1274146681626529792.
[7] *Our Purpose*, THE APPELLATE PROJECT, https://theappellateproject.org/about-us/our-purpose.

1,000 federal election monitors to select locations around the country to observe the general election in November."[8]

Do you still believe that federal officials' presence will, in your words, undermine confidence in our elections and deter people from casting their votes?

Response: First, respectfully, the preamble to this question mischaracterizes the letter. To be sure, the letter stated a disagreement over the federal government's claimed legal basis for election monitoring pursuant to a particular statute. But it nevertheless acknowledged that such monitoring was authorized pursuant to other, longstanding federal election statutes. Indeed, the letter highlighted, for example, that the Voting Rights Act, 52 U.S.C. § 10305(d)(1), authorized federal observers to enter polling places, and monitors could also enter such sites with consent. The letter also suggested that "less [intrusive] means [were] available[,]" such as observing from a reasonable distance. Second, beyond providing this context, this question relates to issues that are the subject of pending litigation and implicates matters of policy or political controversy. As a judicial nominee, it would thus be inappropriate for me to comment further. *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5.

3. In emails obtained under the Freedom of Information Act, you and your DOJ colleagues discussed a response to a November 2025 joint letter from 10 Democratic secretaries of state who requested information about DOJ's contradictory statements on how the Department would use statewide voter roll data.[9] Regarding the letter and its request for DOJ to clarify and confirm its use of the data, you emailed: "This is likely fishing to try to trap us with contradictory statements later (or tomorrow, as CA is one of the states) in court."[10] You continued:[11]

> The claim that data has been shared with DHS has no citation and is too vague to even know what they are referring to. I believe our reply should always be: 'We will use the data in a manner consistent with Federal law' and say nothing more. HAVA, NVRA, CRA – none of them require to give the states information about what we are going to do with the data. No judge will have authority to limit us beyond a promise of Federal law compliance.

[8] AAGHarmeetDhillon (@AAGDhillon), X (Sept. 21, 2026, 8:08 PM), https://x.com/AAGDhillon/status/2102188236101517647.
[9] 2026.04.14 Production Combined OCT Part 2, https://www.citizensforethics.org/wp-content/uploads/2026/04/2026.04.14-Production-Combined-OCR_Part2.pdf. *See also* Colin Wood, *Secretaries of state ask DOJ to clarify how it's using their voter data*, STATESCOOP (Nov. 18, 2025), https://statescoop.com/secretaries-of-state-ask-doj-to-clarify-how-its-using-their-voter-data/.
[10] 2026.04.14 Production Combined OCT Part 2, https://www.citizensforethics.org/wp-content/uploads/2026/04/2026.04.14-Production-Combined-OCR_Part2.pdf#page=158, at 158.
[11] *Id.*

You echoed that language during your hearing, when you stated: "The Department will ensure that the laws that have been enacted by this Congress, like the NVRA, the Help America Vote Act, and many other countless election statutes, will be enforced."

In your emails, you also wrote that you were not aware of an agreement between DOJ and the Department of Homeland Security (DHS) that would have allowed DOJ to share voter roll or resident information with DHS.[12]

With which agencies or organizations has DOJ shared voter roll data?

Response: First, respectfully, the preamble to this question erroneously attributes the first and second quotes to me. Those e-mail communications were addressed *to* me and thus are not *from* me. Accordingly, the quotes are not my words. Second, this question relates to issues that are the subject of pending litigation, so it is inappropriate for me, as a judicial nominee, to comment further. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

4. During your hearing, you told Senator Welch that you "did not work on the criminal aspect of the Fulton County matter" and that you "didn't work on that case." When Senator Welch asked you if you were involved with the planning or execution of the Fulton County search, you mentioned only that you stayed your civil case so that the criminal case could proceed.

However, according to public reporting, you took part in meetings in late 2025 investigating Fulton County and its role in the 2020 election.[13] Then-DOJ official Ed Martin and other Trump Administration officials and allies were also present at the meetings. As a result of the Administration's investigation, the FBI raided the Fulton County elections office in January 2026, in a raid attended by then-Director of National Intelligence Tulsi Gabbard.[14]

a. Did you attend or participate in meetings or conversations in 2025 in which you discussed investigating Fulton County and its role in the 2020 election? If yes, please identify how many meetings or conversations you attended or participated in, as well as the dates of those meetings or conversations.

Response: As Principal Deputy Assistant Attorney General for Civil Rights, I had several discussions in 2025 regarding various election-related matters. The Civil Rights Division at the U.S. Department of Justice has a Voting Section, which is responsible for enforcing various federal election laws. As to Fulton County, Georgia, the Civil Rights Division made civil demands for 2020 election records

[12] *Id.* at 150.
[13] Doug Bock Clark & Jeremy Kohler, *What Meetings Among Trump Lawyers Reveal About the FBI's Seizure of Election Records in Georgia*, PROPUBLICA (Feb. 13, 2026), https://www.propublica.org/article/thomas-albus-fulton-county-georgia-election-records.
[14] Aaron Blake, *Tulsi Gabbard went down to Georgia — and no one in the Trump administration wants to take credit*, CNN (Feb. 6, 2026), https://www.cnn.com/2026/02/05/politics/tulsi-gabbard-georgia-trump-fulton.

pursuant to the Civil Rights Act of 1960, 52 U.S.C. §§ 20701 et seq. and, following noncompliance, filed a civil lawsuit. Doc. 1, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga. Dec. 11, 2025). That lawsuit was "stayed after the FBI seized the election records," Doc. 108, at 9, *Pitts v. United States*, No. 1:26-cv-00809 (N.D. Ga. May 6, 2026), as part of "a separate criminal proceeding of which [the Civil Rights Division] is not involved." Doc. 27-1, at 5, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga. Feb. 6, 2026); *see also id.* at. 5-6 ("The Civil Rights Division, having not been involved in the criminal proceedings, has no knowledge as to whether the Defendant here is even relevant to that criminal investigation.").

b. Is it still your testimony that you were not involved with the planning or execution of the Fulton County search?

Response: I stand by my testimony.

5. Following the announcement of Ed Martin's U.S. Attorney nomination, you posted: "Ed will be a great USA for DC. Proud of our fellow Missourians!"[15]

a. Do you stand by your support for Ed Martin's nomination?

Response: As a Missourian, this statement accurately reflects my general pride for my home state of Missouri and Missourians. Otherwise, as a judicial nominee, it would be inappropriate for me to comment on matters of policy or political controversy. *See* Code of Conduct for United States Judges, Canon, 5.

Martin told Senator Tillis to "just go to Hell" on his official DOJ X account before deleting it and reposting a similar message on his personal account.[16]

b. Do you believe it was appropriate for Martin, who was then a senior DOJ official, to post that message?

Response: I am grateful for Senator Tillis' distinguished service to our country and the American people. The referenced remarks are not my words. Beyond that, as a judicial nominee, it would be inappropriate for me to comment on matters of political controversy, including others' statements about elected officials, consistent with the past practice of judicial nominees. *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5.

6. You wrote "Bye bye TikTok" and posted an excerpt of the Supreme Court's ruling in *TikTok Inc. v. Garland* noting, in part, that "Congress has determined that divestiture is

[15] Jesus Osete (@jesus_osete), X (Jan. 21, 2025, 8:36 AM), https://x.com/jesus_osete/status/1881697433358639439?s=20.
[16] Joanne Levine, *# Legis1 Background: Tillis and Trump's Pardon Attorney Clash Over January 6 Litmus Test*, LEGIS1 (May 1, 2026), https://legis1.com/news/tillis-trump-pardon-attorney-january-6-legis1.

necessary to address its well-supported national security concerns regarding TikTok's data collection practices and relationship with a foreign adversary."[17]

a. Do you still believe that *TikTok Inc. v. Garland* was correctly decided?

Response: *TikTok Inc.* is binding Supreme Court precedent and, if confirmed, I would be bound to faithfully and impartially follow it. Otherwise, as a judicial nominee, it is generally inappropriate for me to comment on the merits or correctness of binding Supreme Court precedents and must respectfully refrain from doing so here.

President Trump repeatedly refused to enforce the *Protecting Americans from Foreign Adversary Controlled Applications Act*. TikTok was later bought by a group led by Trump ally Larry Ellison.

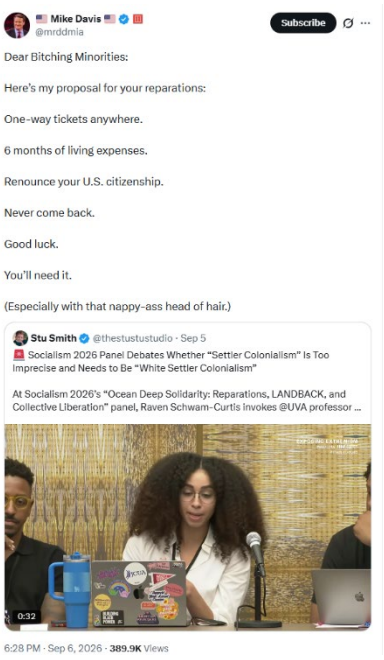
b. Did you support President Trump's refusal to enforce the *Protecting Americans from Foreign Adversary Controlled Applications Act*?

Response: The Take Care Clause provides that the President "shall take Care that the Laws be faithfully executed." U.S. Const. art. II, § 3, cl. 5. Under this provision, the Executive Branch has discretion to prioritize enforcement of federal law. *See, e.g.*, *TransUnion LLC v. Ramirez*, 594 U.S. 413, 429 (2021). Whether the President should or should not prioritize any particular statute is a matter of policy or political controversy and subject to ongoing litigation, which as a judicial nominee it would be inappropriate for me to comment on. *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5.

7. In response to a post from Article III Project founder Mike Davis about a party his organization held to celebrate Emil Bove's confirmation to the Third Circuit, you commented: "Great party, @mrddmia!!"[18] On another post of Davis's about a party hosted by the Article III Project, you commented: "What a crowd! Bummed I had to miss. Great work!!"[19]

In September 2026, Davis posted the following:[20]

[17] Jesus Osete (@jesus_osete), X (Jan. 17, 2025, 10:02 AM), https://x.com/jesus_osete/status/1880269415565992012?s=20.
[18] Jesus Osete (@jesus_osete), X (July 30, 2025, 10:34 PM), https://x.com/jesus_osete/status/1950746941152694403?s=20.
[19] Jesus Osete (@jesus_osete), X (June 7, 2025, 3:04 PM), https://x.com/jesus_osete/status/1931427092584870276?s=20
[20] Mike Davis (@mrddmia), X (Sept. 6, 2026, 6:28 PM), https://x.com/mrddmia/status/2096727271373688946



Do you condemn Davis's racist and sexist commentary in this social media post?

Response: I condemn racism and sexism. The referenced remarks are not my words and, as a judicial nominee, it would be inappropriate for me to comment on matters of policy or political controversy, including others' statements, consistent with the past practice of judicial nominees. *See* Code of Conduct for United States Judges, Canon 5. Moreover, the social media posts referenced relate to issues that are the subject of pending litigation, so it is inappropriate for me, as a judicial nominee, to comment.

8. On the day of your August 2024 primary in your campaign to be a state judge, you posted:[21]

> But like you I have friends whose journey this cycle will end later today. Like you I will have texts/calls congratulating one set of friends, and consoling another set of friends. That's our electoral system. For someone to win, somebody has to lose.

Did President Trump lose the 2020 election?

Response: The plain text of the Twelfth Amendment refers to the "person having the greatest number of votes for President," and that person "shall be the President[.]" U.S. Const. amend. XII. For the 2020 presidential election, Joseph

[21] Jesus Osete (@jesus_osete), X (Aug. 6, 2024, 10:27 AM), https://x.com/jesus_osete/status/1820829068188643381/photo/1.

R. Biden Jr. was certified as that "person" and thus served as the 46th President of the United States.

9. Where were you on January 6, 2021?

Response: Kansas City, Missouri.

10. Do you denounce the January 6 insurrection?

Response: On January 6, 2021, crowd members "forced entry into the [Capitol], breaking windows, and assaulting members of the U.S. Capitol Police. This breach of the Capitol caused Members of Congress to evacuate the Chambers and delayed the certification process." *Fischer v. United States*, 603 U.S. 480, 484 (2024) (quotation marks omitted). I condemn these acts unconditionally.

Because the word "insurrection" has legal meaning and legal consequences attached to it, *see, e.g.*, U.S. Const. amend. XIV, § 3; 18 U.S.C. § 2383, as a judicial nominee, it would be inappropriate for me to comment on legal issues that could come before me if confirmed. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

11. 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: Per my hearing testimony, I condemn all assaults against law enforcement officers. As this question pertains to the prudence of the pardons, as a judicial nominee, it would be inappropriate for me to comment on matters of policy or political controversy. *See, e.g.*, Code of Conduct for United States Judges, Canon 5.

12. 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. Alarmingly, 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: A party could move for relief from such an order, move for reconsideration, move for a stay, and/or seek appellate review.

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

Response: All parties properly before a federal court are subject to court orders and must comply with such orders. To be sure, the Supreme Court has held that

"orders made by a court having no jurisdiction to make them may be disregarded without liability to process for contempt." *United States v. United Mine Workers of Am.*, 330 U.S. 258, 291 (1947) (quotation marks omitted). If confirmed, I would faithfully and impartially apply Supreme Court and Eighth Circuit precedent to the particular issues before me.

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

Response: The judicial branch is responsible for making these determinations in the context of cases or controversies presented by litigants, which can include executive branch officials. Congress may enact or amend laws governing federal courts' jurisdiction and authority over legal and equitable remedies.

13. District judges have occasionally issued non-party injunctions, which may include "nationwide injunctions" and "universal injunctions."

a. Are non-party injunctions constitutional?

Response: The Supreme Court addressed the lawfulness of universal injunctions in *Trump v. CASA, Inc.*, 606 U.S. 831 (2025). Under the Judiciary Act of 1789, 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." *Id.* at 841. The Supreme Court, however, "express[ed] no view on" whether "Article III forecloses universal relief." *Id.* at 841 n.4. As a judicial nominee, it would be inappropriate for me to comment on legal issues that could come before me if confirmed. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

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

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

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

Response: Please see my response to Question 13(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: To the best of my recollection, I sought nationwide injunctions in the following cases: Doc. 30, at 51-53, *Missouri v. Biden*, No. 7:21-cv-00272 (S.D. Tex. Dec. 17, 2021) (arguing that a "negative nationwide injunction to preserve the status quo is reasonable and warranted" and that "narrower relief" would be "ineffective for fully redressing Plaintiff States' injuries"); Doc. 27, at 24,

Missouri v. Biden, No. 4:21-cv-01329 (E.D. Mo. Nov. 23, 2021) ("In addition, affording full relief to Plaintiffs necessitates a nationwide injunction."); Doc. 90, at 19, 21, *Texas v. Biden*, No. 2:21-cv-00067 (N.D. Tex. July 27, 2021) (arguing that "[i]njunctive relief is necessary to provide Plaintiffs with complete relief" and that such relief "should be nationwide in scope to grant complete relief").

14. 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.

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

Response: According to the Constitution, "[n]o person shall be elected to the office of the President more than twice." U.S. Const. amend. XXII.

16. 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…"[22]

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: These are not my words and, as a judicial nominee, it would be inappropriate for me to comment on matters of policy or political controversy, including others' statements, consistent with the past practice of judicial nominees. *See* Code of Conduct for United States Judges, Canon 5.

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

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

17. 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"[23] and later reposted the images of the three judges who decided the case and wrote, "we are living under a judicial tyranny."[24]

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[22] Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), https://truthsocial.com/@realDonaldTrump/posts/114573871728757682.
[23] Stephen Miller (@StephenM), X (May 28, 2025, 7:48 PM), https://x.com/StephenM/status/1927874604531409314.
[24] Stephen Miller (@StephenM), X (May 29, 2025, 8:25 AM), https://x.com/StephenM/status/1928065122657845516.

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 16(a).

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

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

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

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

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

Response: Lower courts may never depart from a directly controlling Supreme Court precedent. *See Mallory v. Norfolk S. Ry. Co.*, 600 U.S. 122, 136 (2023) ("If a precedent of this Court has direct application in a case, … a lower court should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions." (quotation marks omitted)).

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

Response: If confirmed as a district judge, I must faithfully and impartially apply binding Eighth Circuit precedent to the particular issues before me. Although the Eighth Circuit has set forth factors for overruling its own precedent, *see, e.g.*, *S.A.A. v. Geisler*, 127 F.4th 1133, 1136 (8th Cir. 2025) (en banc), I would respectfully defer to the en banc Eighth Circuit as to when it would be appropriate to overturn such precedent.

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

Response: If confirmed as a district judge, I must faithfully and impartially apply Supreme Court precedent to the particular issues before me. *See, e.g.*, *Mallory v. Norfolk S. Ry. Co.*, 600 U.S. 122, 136 (2023) ("If a precedent of this Court has direct application in a case, … a lower court should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions.") (quotation marks omitted). Although the Supreme Court has set forth factors for overruling its own precedent, *see, e.g.*, *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022) (constitutional precedents); *Kimble v. Marvel Ent., LLC*, 576 U.S. 446 (2015) (statutory precedents), I would respectfully defer to the Supreme Court as to when it would be appropriate to overturn such precedent.

21. 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: Yes. Although it is generally inappropriate for judicial nominees to comment on the merits or correctness of binding Supreme Court precedent, prior nominees have made exceptions for *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), and *Loving v. Virginia*, 388 U.S. 1 (1967). For any other Supreme Court precedent, I must respectfully refrain from commenting on the merits or correctness of such precedent. If confirmed, I will faithfully and impartially follow binding Supreme Court precedent.

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

Response: As a judicial nominee, with limited exceptions, it is inappropriate for me to comment on the merits or correctness of binding Supreme Court precedent. If confirmed, I will faithfully and impartially follow binding Supreme Court precedent.

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

Response: Please see my response to Question 21(a).

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

Response: Please see my response to Question 21(b).

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

Response: Please see my response to Question 21(b).

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

Response: Please see my response to Question 21(b).

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

Response: Please see my response to Question 21(b).

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

Response: Please see my response to Question 21(b).

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

Response: Please see my response to Question 21(b).

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

Response: Please see my response to Question 21(b).

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

Response: Please see my response to Question 21(b).

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

Response: Please see my response to Question 21(b).

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

Response: Please see my response to Question 21(b).

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

Response: If confirmed, I would follow binding Supreme Court and Eighth Circuit precedent in interpreting a constitutional provision. In the absence of binding precedent, like the Supreme Court I would try to ascertain the original meaning of such provision. *Accord Gamble v. United States*, 587 U.S. 678, 683 (2019) (Double Jeopardy Clause); *United States v. Jones*, 565 U.S. 400, 405-06 (2012) (Fourth Amendment); *District of Columbia v. Heller*, 554 U.S. 570, 576–628 (2008) (Second Amendment); *Crawford v. Washington*, 541 U.S. 36, 50 (2004) (Confrontation Clause).

23. How do you decide when the Constitution's "original meaning" should be controlling?

Response: Please see my response to Question 22.

24. Does the "original meaning" of the Constitution support a constitutional right to same-sex marriage?

Response: If confirmed, I will faithfully and impartially apply binding Supreme Court and Eighth Circuit precedent to the particular issues before me. In *Obergefell v. Hodges*, 576 U.S. 644 (2015), the Supreme Court recognized a constitutional right to same-sex marriage. Thus, as a district judge, I would follow *Obergefell* as binding precedent.

25. Does the "original meaning" of the Constitution support the constitutional right to marry persons of a different race?

Response: If confirmed, I will faithfully and impartially apply binding Supreme Court and Eighth Circuit precedent to the particular issues before me. In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court recognized a constitutional right to marry a person of a different race. Thus, as a district judge, I would follow *Loving* as binding precedent.

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

Response: The Fourteenth Amendment's Equal Protection Clause forbids any State to "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1. The Supreme Court has long held that the same equal-protection guarantee applies to the federal government through the Fifth Amendment. *Bolling v. Sharpe*, 347 U.S. 497, 500 (1954). In both contexts, equal protection has been understood to impose a varying degree of scrutiny on legislative or executive classifications. If a law or other government act "neither burdens a fundamental right nor targets a suspect class," courts "will uphold the legislative classification so long as it bears a rational relation to some legitimate end." *United States v. Skrmetti*, 605 U.S. 495, 510 (2025). By contrast, classifications that burden a fundamental right or that target a suspect class are subject to heightened scrutiny. "For example, laws that classify on the basis of race, alienage, or national origin trigger strict scrutiny and will pass constitutional muster only if they are suitably tailored to serve a compelling state interest." *Id.* (quotation marks omitted). And "laws containing sex-based classifications" are subject "to intermediate scrutiny, under which the [government] must show that the 'classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives.'" *Id.* (quoting *United States v. Virginia*, 518 U.S.515, 533 (1996)).

The Due Process Clause appears in the Constitution twice. The Fifth Amendment, which applies against the federal government, guarantees that no "person" may "be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. The Fourteenth Amendment says: "nor shall any State deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV, § 1. Both clauses have been understood to include both procedural and substantive guarantees. Generally, the clauses' procedural protections guarantee the fairness of proceedings in which individuals may be deprived of life, liberty, or property. The clauses' substantive components, broadly speaking, "provide[] heightened protection against government interference with certain fundamental rights and liberty interests." *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997). A right is "fundamental" for purposes of the Due Process Clause if "the right is deeply rooted in our history and tradition and … it is essential to our Nation's scheme of ordered liberty." *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 237 (2022) (brackets and quotation marks omitted).

27. 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 held that a government-imposed sex-based classification comports with the Equal Protection Clause only if the government can show that the classification "serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives." *United States v. Virginia*, 518 U.S. 515, 532-33 (1996) (quotation marks omitted). The Supreme Court has further held that, under the Fourteenth Amendment, "same-sex couples may exercise the fundamental right to marry," *Obergefell v. Hodges*, 576 U.S. 644, 675 (2015), and that same-sex couples may engage in private, consensual sexual acts. *Lawrence v. Texas*, 539 U.S. 558, 578 (2003).

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

Response: Please see my response to Question 22.

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

Response: Please see my response to Question 22.

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

Response: The Supreme Court has held that the First Amendment's protections extend to individuals and entities. *See, e.g.*, *First Nat. Bank of Bos. v. Bellotti*, 435 U.S. 765, 777 (1978) ("The inherent worth of the speech in terms of its capacity for informing the public does not depend upon the identity of its source, whether corporation, association, union, or individual.").

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

Response: The Supreme Court has explained that a "regulation of speech is facially content based under the First Amendment if it target[s] speech based on its communicative content—that is, if it applies to particular speech because of the topic discussed or the idea or message expressed." *City of Austin v. Reagan Nat'l Advertising of Austin, LLC*, 596 U.S. 61, 69 (2022). By contrast, a law is content-neutral if it can be "justified without reference to the content of the regulated speech." *Reed v. Town of Gilbert*, 576 U.S. 155, 166 (2015).

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

Response: The Supreme Court has explained that "true threats are serious expressions conveying that a speaker means to commit an act of unlawful violence." *Counterman v.*

Colorado, 600 U.S. 66, 74 (2023) (citation omitted). Such threats are a "historically unprotected category of communications." *Id.*

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

Response: The Supreme Court has held that due process "applies to all 'persons' within the United States[.]" *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (Fifth Amendment); *see also Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886) (Fourteenth Amendment).

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

Response: Federal law provides: "If the applicable treaty or convention does not obligate the United States to extradite its citizens to a foreign country, the Secretary of State may, nevertheless, order the surrender to that country of a United States citizen whose extradition has been requested by that country if the other requirements of that treaty or convention are met." 18 U.S.C. § 3196.

35. 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 has held that under the Fourteenth Amendment, with few exceptions, "[a] child born on American soil and subject to American law was made an American citizen," regardless of the parents' status. *Trump v. Barbara*, 146 S. Ct. 2438, 2449, 2452 (2026).

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 35(a).

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

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

37. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities

prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

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

Response: If confirmed, I would be obligated to faithfully and impartially interpret and apply the First Step Act, and any relevant binding precedent, just as with any other statutory provision.

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 faithfully and impartially apply all applicable laws governing sentencing, including 18 U.S.C. § 3553.

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

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

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

b. President Trump wrote on Truth Social that the Federalist Society gave him "bad advice" on "numerous Judicial Nominations." He also wrote that Leonard Leo is a "sleazebag" who "probably hates America." If you are not familiar with this post, please refer to it in the footnote.[25]

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

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

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

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

Response: Please see my response to Question 38(b)(i).

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

Response: Yes, consistent with my obligations under judicial ethics and conflict of interest rules.

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

Response: I did not speak to or correspond with either Leonard Leo or Steven G. Calabresi as part of my selection process nor during the same time such process was taking place. During that time, I did speak to or correspond with numerous friends and professional acquaintances who are among the tens of thousands of individuals associated with the Federalist Society and we may have discussed at a general level the status of the selection process.

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

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

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

Response: Yes. As disclosed in my 2025 Public Financial Disclosure Report (OGE Form 278e) for Executive Branch Personnel, while in private practice, I was paid a $1,500 honorarium for each of a total of three separate speaking engagements or event appearances—all of which are detailed in my Senate Judiciary Questionnaire.

39. 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: Please see my response to Question 38(c). Further, during the same time the selection process was taking place, I did speak to or correspond with numerous friends and professional acquaintances, some of whom may be among the class of individuals associated with the Teneo Network and we may have discussed at a general level the status of the selection process.

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.

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

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

Response: I did not speak to or correspond with Kevin D. Roberts as part of my selection process nor during the same time such process was taking place. During that time, I did speak to or correspond with numerous friends and professional acquaintances, some of whom may be among the hundreds of thousands of individuals associated with Heritage Foundation (and its affiliates) and we may have discussed at a general level the status of the selection process.

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: To the best of my knowledge and recollection, no, other than participating in moot courts hosted by the Heritage Foundation.

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.

41. 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: During the same time the selection process was taking place, I did speak to or correspond with numerous friends and professional acquaintances, some of whom may be among the class of individuals associated with the America First Policy Institute and we may have discussed at a general level the status of the selection process.

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

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

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

Response: No.

42. 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: Respectfully, your question appears to be about America First Legal Foundation. I will assume so for purposes of answering Question 42's subparts. During the same time the selection process was taking place, I spoke to or corresponded with Mr. Hamilton, but not as part of the selection process. Like numerous friends and professional acquaintances—some of whom may be among the class of individuals associated with the America First Legal Foundation—Mr.

Hamilton and I occasionally discussed at a general level the status of the selection process.

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: To the best of my knowledge and recollection, no, other than attending social events hosted by the America First Legal Foundation.

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

Response: No.

43. 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: During the same time the selection process was taking place, I spoke to or corresponded with Mr. Davis, but not as part of the selection process. Like numerous friends and professional acquaintances—some of whom may be among the class of individuals associated with the Article III Project—Mr. Davis and I occasionally discussed at a general level the status of the selection process.

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: To the best of my knowledge and recollection, no, other than attending social events hosted by the Article III Project.

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.

44. 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: During the same time the selection process was taking place, I spoke to or corresponded with individuals associated with the Alliance Defending Freedom, but not as part of the selection process. Like numerous friends and professional acquaintances—some of whom may be among the class of individuals associated with the Alliance Defending Freedom—the discussions involved at a general level the status of the selection process.

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

Response: To the best of my knowledge and recollection, no, other than attending events (social or otherwise) hosted by the Alliance Defending Freedom. I do not consider as responsive litigation action, such as the filing of an amicus brief in support of an organization or its client, where I was not retained as counsel for that organization or client. *See, e.g.*, Brief for the United States as Amicus Curiae, *West Virginia v. B. P. J. by Jackson*, 146 S. Ct. 2356 (2026).

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

Response: To the best of my knowledge and recollection, no.

45. 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: Please see my response to Question 38(c). Further, I did not speak to or correspond with Carrie Severino as part of my selection process nor during the same time such process was taking place. During that time, I did speak to or correspond with numerous friends and professional acquaintances, some of whom may be among the class of individuals associated with the aforementioned organizations and we may have discussed at a general level the status of the selection process.

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

Response: To the best of my knowledge and recollection, no.

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

Response: To the best of my knowledge and recollection, 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 whether "outside groups or special interests" might be making donations in support of my confirmation. If confirmed, any public advocacy for or against my confirmation will have no bearing on the way I discharge my duties. *See* 28 U.S.C. § 453 (judicial oath).

e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?

Response: If confirmed, I would evaluate conflicts and recusal issues with reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other applicable laws, regulations, and rules. It would not be appropriate for me, as a judicial nominee, to forecast how I would resolve any particular conflict or recusal issue. To the extent this question asks whether I personally believe it would be prudent or good policy for such donations to be disclosed, that is a policy matter on which it would be inappropriate for me to opine. *See* Code of Conduct for United States Judges, Canon 5.

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 responses to Questions 45(d) and (e).

Nomination of Jesus A. Osete
Nominee to the U.S. District Court for the Western District of Missouri
Questions for the Record
Submitted October 7, 2026

QUESTIONS FROM SENATOR WHITEHOUSE

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

1. In February 2026, ProPublica reported that you took part in meetings in late 2025 with Thomas Albus and others about investigating the 2020 election results. According to that reporting, these meetings happened shortly before the FBI seized 2020 election records in Fulton County, Georgia, in January 2026.

    a. You said during your nomination hearing that you were "screened off" from the criminal case opened for the Fulton County ballot seizures and that you worked only on civil actions for Fulton County's 2020 election records. Please describe in detail your role in the civil actions.

    Response: As Principal Deputy Assistant Attorney General for Civil Rights, I had several discussions in 2025 regarding various election-related matters. The Civil Rights Division at the U.S. Department of Justice has a Voting Section, which is responsible for enforcing various federal election laws. As to Fulton County, Georgia, the Civil Rights Division made civil demands for 2020 election records pursuant to the Civil Rights Act of 1960, 52 U.S.C. §§ 20701 et seq. and, following noncompliance, filed a civil lawsuit. Doc. 1, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga. Dec. 11, 2025). That lawsuit was "stayed after the FBI seized the election records," Doc. 108, at 9, *Pitts v. United States*, No. 1:26-cv-00809 (N.D. Ga. May 6, 2026), as part of "a separate criminal proceeding of which [the Civil Rights Division] is not involved." Doc. 27-1, at 5, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga. Feb. 6, 2026); *see also id.* at. 5-6 ("The Civil Rights Division, having not been involved in the criminal proceedings, has no knowledge as to whether the Defendant here is even relevant to that criminal investigation.").

    b. According to ProPublica's reporting, in late 2025, Ed Martin said on Steve Bannon's podcast, "inside DOJ, myself and a couple of others have been working also on the same topic" of "election integrity" and "whether Fulton County has these ballots we're worried about."[1] Did this group at DOJ include you?

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

    c. Please describe what role, if any, you had in Ed Martin's August 25, 2025, letter to Judge McBurney requesting access to 148,000 absentee ballots and envelopes

[1] amib (@BonVangUFO), X (Nov. 12, 2025, 7:57 AM), https://x.com/BonVangUFO/status/1988591940359835739.

held in Fulton County for "an investigation into election integrity here at the Department of Justice."[2]

Response: I had no role regarding the referenced letter.

2. Please describe in detail what you discussed with Thomas Albus, Ed Martin, or Kurt Olsen in the meetings regarding "election integrity."

Response: Please see my response to Question 1(a). Beyond that, consistent with my duties of confidentiality and the approach taken by past judicial nominees who were Executive Branch lawyers, it would be inappropriate for me to comment on the nature of any official internal communications within the Executive Branch.

3. Did you suggest that DOJ open a criminal investigation to seize 2020 election materials in Fulton County?

Response: Please see my response to Question 2.

4. Why was then-DNI Gabbard at the Fulton County seizure?

Response: I do not know.

5. Why was then-FBI Deputy Director Bailey at the Fulton County seizure?

Response: I do not know.

6. You said in your questionnaire that you have been a member of the Federalist Society since 2013. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.

   a. Leonard Leo?

      Response: No.

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

      Response: To my knowledge, no.

   c. Carrie Severino?

      Response: No.

   d. Mike Davis?

[2] Cleta Mitchell (@CletaMitchell), X (Oct. 29, 2025, 6:11 PM), https://x.com/CletaMitchell/status/1983657891224809778.

Response: Since I first expressed interest in this position, I have spoken to or corresponded with Mike Davis. Mr. Davis, for example, congratulated me on my nomination after it was publicly announced.

e. Anyone affiliated with The Article III Project?

Response: Please see my response to Question 6(d). Further, it is possible other affiliates congratulated me on my nomination after it was publicly announced.

f. Mark Paoletta?

Response: No.

Senate Judiciary Committee
Hearing on Nominations
September 30, 2026
Questions for the Record
Senator Amy Klobuchar

For Jesus Armando Osete, to be U.S. District Judge for the Western District of Missouri

In your capacity as a senior official in the Civil Rights Division you led the Department of Justice's effort to force states, including Minnesota, to turn over voters' sensitive and private data to the administration.

- Isn't it true that 26 federal courts, in decisions from Democratic and Republican appointed judges, have all found DOJ's actions to obtain this data unlawful?

  Response: This question relates to issues that are the subject of pending litigation, so, as a judicial nominee, it is inappropriate for me to comment. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

In 2023, at a Federalist Society event you criticized the Food and Drug Administration's approval of mifepristone, a drug that has consistently been affirmed to be safe and effective by medical experts, and is approved in over 90 countries. In the Missouri Attorney General's Office, you also worked on cases defending Missouri's extreme abortion restrictions.

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

  Response: Every judge undoubtedly had personal views on many policy issues before joining the bench—none is "a complete tabula rasa." *Laird v. Tatum*, 409 U.S. 824, 835 (1972) (memorandum of Rehnquist, J.). But judges must refrain from adjudicating disputes based on their or their past clients' own policy preferences and leave such preferences to the people's elected representatives. If confirmed, I will faithfully and impartially decide all cases or controversies according to the law and binding Supreme Court and Eighth Circuit precedents.

Nomination of Jesus Osete to the
United States District Court for the Western District of Missouri
Questions for the Record
Submitted October 5, 2026

QUESTIONS FROM SENATOR COONS

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

   Response: The Constitution assigns the Senate with the advice and consent responsibility for judicial nominees. The advice-and-consent requirement serves, in part, to "promote a judicious choice of [persons] for filling the offices of the union[.]" *Edmond v. United States*, 520 U.S. 651, 659-60 (1997) (first alteration in original) (citation and quotation marks omitted).

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: As a judicial nominee, I believe that I have the responsibility to demonstrate to this Committee, the Senate, and the American people that I should be confirmed for this position, and that this includes giving my best efforts in the advice and consent process. I have endeavored to provide full and complete answers to the Committee's questions to the best of my ability and in good faith.

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

   Response: Yes.

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

      Response: I drafted every response that I am providing to you. I received limited feedback on my proposed responses from the Office of Legal Policy at the Department of Justice. I then finalized the answers, all of which 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: Yes, if the response is consistent with the nominee's views.

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

Response: Yes.

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

Response: It is possible that some parts of my answers may be materially indistinguishable from prior nominees' answers to prior, similarly worded questions, but my answers here are my own.

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 20, 2026, to inform you that he planned to nominate you to a judgeship.

a. How long did the call last?

Response: Approximately three minutes.

b. What topics or issues were discussed?

Response: The President informed me that he was nominating me to the federal district court and congratulated me. I expressed my gratitude for the honor.

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

Response: A telephone operator connected me with the President, but I do not know if the operator stayed on the line.

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

Response: My two main role models are the two judges I clerked for: The Honorable Bobby E. Shepherd on the U.S. Court of Appeals for the Eighth Circuit, and the Honorable Zel M. Fischer, who sits on the Supreme Court of Missouri. Both men conducted themselves ethically and conducted their chambers with the utmost care, humility, and respect—respect for others and for the rule of law—and I would strive to emulate their examples.

7. How would you describe your judicial philosophy?

Response: In exercising the "judicial Power of the United States," U.S. Const. art. III, § 1, federal judges must interpret and apply the law in cases or controversies before them. They must faithfully and impartially apply any governing constitutional, statutory, or regulatory text, as well as follow all binding Supreme Court and circuit precedents. Judges must refrain from adjudicating disputes based on their own policy or moral preferences and leave such preferences to the people's elected representatives.

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: According to the Supreme Court, the Fourteenth Amendment's Due Process Clause "has been held to guarantee some rights that are not mentioned in the Constitution, but any such right must be 'deeply rooted in this Nation's history and tradition' and 'implicit in the concept of ordered liberty.'" *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 231 (2022) (quoting *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997) (quotation marks omitted)). If confirmed, I would faithfully and impartially apply the relevant, binding precedents of the Supreme Court and the Eighth Circuit.

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

      Response: Please see my response to Question 8.

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

      Response: Please see my response to Question 8.

   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: Please see my response to Question 8.

d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Please see my response to Question 8.

e. What other factors would you consider?

Response: Please see my response to Question 8.

9. If you concluded that the President had violated his constitutional duty to faithfully execute the laws and then had to determine the remedy, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: The Take Care Clause states that presidents "Shall take Care that the Laws be faithfully executed." U.S. Const., Art. II, § 3. I am not aware of any decision squarely addressing (much less holding) the appropriate remedy for a violation of this clause. If confirmed, I would faithfully and impartially follow any binding precedent addressing that issue. And, in the absence of such precedent, I would carefully attend to the arguments of the parties in keeping with the party presentation principle, likely focusing on any relevant precedent touching on remedies.

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

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

Response: Donald J. Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States. He was also certified as the winner of the 2024 presidential election and is serving as the 47th President of the United States.

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: Respectfully, I disagree with the premise of this question. The Twenty-Second Amendment prohibits any person from being "elected to the office of the President" for a third term. U.S. Const. amend. XXII.

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

Response: The Twenty-Second Amendment prohibits any person from being "elected to the office of the President" for a third term. U.S. Const. amend. XXII.

11. 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 is the difference between being

certified as the winner of a presidential election and actually winning the presidential election?

Response: Although the text of Article II and the Twelfth Amendment speaks for itself, Congress certifies that the "person having the greatest number of votes for President, shall be the President[.]" U.S. Const. amend. XII.

12. At your hearing, Senator Blumenthal asked you who won the 2020 election to which you responded that "Article 2 and the 12th Amendment, under those provisions, Joe Biden was certified the winner of the 2020 election, and he served as president for four years."

    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 prepared for my hearing as I would for an oral argument, by considering how I might answer questions that have come up in other recent hearings. The Office of Legal Policy referred me to the hearing testimony of numerous previous nominees from the past decade, including nominees from both the Biden and Trump Administrations. To the best of my recollection, no one directed me to any testimony regarding the 2020 election in particular, although that was part of some of the broader testimony I reviewed. I also performed independent legal research regarding Article II and the Twelfth Amendment, which govern how the president is elected. My responses at the hearing were my own.

    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. Further, please see my response to Question 12(a).

13. From 2023 to 2024, you campaigned for a seat on the 13th Judicial Circuit Court of Missouri. On August 6, 2024, the day of your primary election, you posted on X, "Like you I will have texts/calls congratulating one set of friends, and consoling another set of friends. That's our electoral system. For someone to win, somebody has to lose."

    a. If Joe Biden won the presidential election in 2020, does that mean that Donald Trump lost that election?

    Response: The plain text of the Twelfth Amendment refers to the "person having the greatest number of votes for President," and that person "shall be the President[.]" U.S. Const. amend. XII. For the 2020 presidential election, Joseph

R. Biden Jr. was certified as that "person" and thus served as the 46th President of the United States.

14. 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: These are not my words and, as a judicial nominee, it would be inappropriate for me to comment on matters of policy or political controversy, including others' statements, consistent with the past practice of judicial nominees. *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: Yes.

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

    Response: Please see my response to Question 14(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 14(b).

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

    Response: Please see my response to Question 14(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 14(b).

15. Under 28 U.S.C. § 455, "[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themself] 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: A judge may disqualify himself from a proceeding in which the judge's "impartiality might reasonably be questioned." 28 U.S.C. § 455(a). This "catchall" provision focuses on the objective appearance of partiality "from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances." *Microsoft Corp. v. United States*, 530 U.S. 1301, 1302 (2000) (statement of Rehnquist, C.J.); *Liteky v. United States*, 510 U.S. 540, 548 (1994). "The decision whether a judge's impartiality can 'reasonably be questioned' is to be made in light of the facts as they existed, and not as they were surmised or reported." *Cheney v. U.S. Dist. Court for the Dist. of Columbia*, 541 U.S. 913, 914 (2004) (statement of Scalia, J.). Section 455(a) sets forth a high bar for recusal. If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other laws, binding precedent, rules, and practices governing such circumstances.

16. 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, consistent with these and all other governing statutes and binding precedent.

    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: Section 3583(e)(1) authorizes a court to "terminate a term of supervised release … at any time after the expiration of one year of supervised release, … if it is satisfied" that doing so "is warranted by the conduct of the

defendant released and the interest of justice." If confirmed, I would carefully attend to the arguments of the parties in keeping with the party presentation principle regarding these factors, which can include incentivization toward rehabilitation.

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.

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

Response: This question relates to issues that are the subject of pending litigation, so, as a judicial nominee, it is inappropriate for me to comment. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

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

Response: The Supreme Court has held that "the constitutional right to travel from one State to another is firmly embedded in our jurisprudence." *Saenz v. Roe*, 526 U.S. 489, 498 (1999) (quotation marks omitted). Indeed, the "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). If confirmed, I would faithfully and impartially apply the relevant, binding precedents of the Supreme Court and the Eighth Circuit.

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: Please see my response to Question 18.

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

Response: The Supreme Court has recognized a constitutional right to privacy in a variety of contexts, based on different provisions in the Constitution. For instance, the Supreme Court has held, in the context of the Fourth Amendment, that an "individual has a reasonable expectation of privacy in records about his cell phone's location, and police intrude on that constitutionally protected interest when they demand the information—even though for only a limited time, and from a third-party tech company." *Chatrie v.*

United States, 146 S. Ct. 2193, 2199 (2026). And in *Griswold v. Connecticut*, 381 U.S. 479 (1965), the Supreme Court recognized, based on privacy, a constitutional right of married persons to obtain contraceptives, and invalidated a Connecticut statute that criminalized prescribing contraceptives.

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: The Supreme Court has issued several decisions in this area. *See, e.g.*, *Eisenstadt v. Baird*, 405 U.S. 438, 453-54 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965). If confirmed, I will faithfully and impartially apply binding Supreme Court precedent.

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

Response: The Supreme Court has explained that its originalist "precedents were not meant to suggest a law trapped in amber," such that a constitutional provision can apply only to those technologies, laws, and other circumstances that existed at the time of the Founding. *United States v. Rahimi*, 602 U.S. 680, 691 (2024). Courts must "ascertain whether the new law is relevantly similar to laws that our tradition is understood to permit, applying faithfully the balance struck by the founding generations in modern circumstances." *Id.* at 692.

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

Response: In ascertaining a constitutional provision's original meaning, courts may look to any relevant evidence brought to their attention. Examples include, but are not limited to, (1) dictionary definitions contemporaneous with the provision's enactment, *see, e.g.*, *District of Columbia v. Heller*, 554 U.S. 570, 581 (2008); (2) the way words were used in ordinary writing around the time of enactment, *see, e.g.*, *Whitfield v. United States*, 574 U.S. 265, 267-68 (2015); and (3) historical practices at the time of ratification, *see, e.g.*, *Town of Greece v. Galloway*, 572 U.S. 565, 575 (2014). Of course, different provisions of the Constitution were adopted at different times and might have been addressed in different sorts of sources.

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

Response: If confirmed, I would follow binding Supreme Court and Eighth Circuit precedent in interpreting a constitutional provision. In the absence of binding precedent, like the Supreme Court I would try to ascertain the original meaning of such provision.

Accord Gamble v. United States, 587 U.S. 678, 683 (2019) (Double Jeopardy Clause); *United States v. Jones*, 565 U.S. 400, 405-06 (2012) (Fourth Amendment); *District of Columbia v. Heller*, 554 U.S. 570, 576-628 (2008) (Second Amendment); *Crawford v. Washington*, 541 U.S. 36, 50 (2004) (Confrontation Clause).

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

Response: Please see my response to Question 21.

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

Response: The Supreme Court has held that due process "applies to all 'persons' within the United States," regardless of legal status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (Fifth Amendment); *see also Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886) (Fourteenth Amendment). If confirmed, I will faithfully and impartially apply binding Supreme Court precedent to the particular claims before me, without regard to the identities of the parties involved. *See* 28 U.S.C. § 453 (judicial oath).

23. 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 there held that, under the Fourteenth Amendment, with few exceptions, "[a] child born on American soil and subject to American law was made an American citizen," regardless of the parents' status. *Trump v. Barbara*, 146 S. Ct. 2438, 2449, 2452 (2026). *Barbara* is binding Supreme Court precedent, and I would faithfully and impartially apply it if confirmed.

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

Response: Generally, federal courts can ensure compliance with orders through tools like status reports and hearings, sanctions, and civil and criminal contempt proceedings.

25. 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: Judges have several options for dealing with these scenarios, and potential sanctions include fines, attorneys' fees, and more. *See, e.g.*, Fed. R. Civ. P. 11(c)(4). Such sanctions are supposed to "be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated." *Id.*

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

Response: Please see my response to Question 25.

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

Response: Supreme Court precedent requires judges to consider practical consequences in some instances. For example, the decision to award equitable relief depends in part on whether the movant can show irreparable harm and that "the equities and public interest" favor such relief. *Abbott v. League of United Latin Am. Citizens*, 146 S. Ct. 418, 419 (2025) (per curiam).

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

Response: Every judge undoubtedly had personal life experiences before joining the bench—none is "a complete tabula rasa." *Laird v. Tatum*, 409 U.S. 824, 835 (1972) (memorandum of Rehnquist, J.). But judges must not allow such experiences to interfere with their duty to faithfully and impartially apply the law to the cases that come before them. *See* 28 U.S.C. § 453 (judicial oath). If confirmed, I will faithfully and impartially decide all cases or controversies according to the law and binding Supreme Court and Eighth Circuit precedents.

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

Response: Judges take an oath to "faithfully and impartially discharge and perform all the duties incumbent upon them," 28 U.S.C. § 453, which requires that they faithfully and impartially apply the law to the facts of every case before them. Judges thus may not allow their personal sense of empathy to interfere with the discharge of this obligation. That said, judges should be patient and treat everyone with dignity and respect.

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

Response: I am proud of my extensive litigation record and the zealous advocacy I have provided to every client. While every client has received my best efforts, I am particularly proud of my work in *Biden v. Missouri*, 595 U.S. 87 (2022). I will never forget my first time arguing before the Supreme Court—and as a thirty-year old attorney, no less. On an extremely accelerated timeline, my team and I had to learn, digest, and analyze complex factual issues, draft briefs applying the law to those facts, and prepare and present an oral argument before the nine justices.

30. 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: Yes, so long as such an order, for example, does not intrude on a litigant's choice of representation. I would also confer with my colleagues before entering any such order.

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

Response: If confirmed, I would encourage younger attorneys to affirmatively seek opportunities to appear in court, such as taking on pro bono matters.

31. Discuss your proposed hiring process for law clerks.

Response: Because I have not been a judge and because I recognize the Senate's important role in considering my nomination, I have not yet developed a detailed process for hiring law clerks. I can say at this point that, if confirmed, I plan to hire based on merit, including academic performance and (when applicable) professional experience. I also would consider referrals and recommendations from practicing lawyers, professors, and other judges. I will create an account for the OSCAR online system, although I will likely require hard-copy applications. I will do in-person interviews with the final candidates, if possible, in part because I would want them to visit Kansas City, Missouri, to understand where they would spend at least a year of their life.

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

Response: As a judicial nominee, it would be inappropriate for me to comment on a matter of policy. *See* Code of Conduct for United States Judges, Canon 5. No one, however, should be excluded from serving in the federal judiciary on the basis of race, sex, ethnicity, religion, or any other protected characteristic.

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

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

Response: If confirmed, I would work hard to ensure that every person who works in my chambers is treated with respect and dignity and is not subject to misconduct. I would start by leading by example. I strive to treat everyone with dignity and respect, and I would make sure each person I hired knew that. I would verbally reinforce those expectations to each team member. By prioritizing

character in my hiring process, I would seek to avoid hiring individuals who might threaten those non-negotiable expectations. I would work hard to build trust so that any person who was not treated with dignity or respect felt comfortable bringing it to my attention, and I would swiftly and professionally address any issues that arose. Finally, I would coordinate with my colleagues and the Administrative Office of the Courts to implement appropriate policies and practices.

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

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

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

Response: I would first do everything that I could to ensure that all affected individuals are safe going forward. I would then assess how to best address the situation without putting in jeopardy the affected individual or the person who brought the issue to my attention. I also would consult any existing procedures and policies of the district and the Administrative Office of the Courts. Depending on the situation, I may speak directly to the judge, my colleagues (including the chief judge), or other relevant officials within the judicial branch and report my concerns as appropriate through the proper channels.

33. 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: On January 6, 2021, crowd members "forced entry into the [Capitol], breaking windows, and assaulting members of the U.S. Capitol Police. This breach of the Capitol caused Members of Congress to evacuate the Chambers and delayed the certification process." *Fischer v. United States*, 603 U.S. 480, 484 (2024) (quotation marks omitted). I condemn these acts unconditionally.

Because the word "insurrection" has legal meaning and legal consequences attached to it, *see, e.g.*, U.S. Const. amend. XIV, § 3; 18 U.S.C. § 2383, as a judicial nominee, it would be inappropriate for me to comment on legal issues that could come before me if confirmed, *see* Code of Conduct for United States Judges, Canon 3(A)(6).

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 33.

34. 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: Per my hearing testimony, I condemn all assaults against law enforcement officers. As this question pertains to the prudence of the pardons, as a judicial nominee, it would be inappropriate for me to comment on matters of policy or political controversy. *See, e.g.*, Code of Conduct for United States Judges, Canon 5.

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

Response: Please see my response to Question 34.

36. What specific practices have you, or will you plan to, adopt to ensure that litigants of all races, ethnicities, national origins, religions, sexes, genders, sexual orientations, ages, disabilities, and socioeconomic backgrounds, as well as litigants of every political affiliation, are treated fairly and equally in your courtroom?

Response: If confirmed, I will treat everyone in my courtroom with dignity and respect, and I will analyze all claims in an impartial manner according to the law.

37. Does the phrase "separation of church and state" accurately describe what the Establishment Clause requires? Why or why not?

Response: The Supreme Court has explained its Establishment Clause jurisprudence as follows:

> In place of *Lemon* and the endorsement test, this Court has instructed that the Establishment Clause must be interpreted by reference to historical practices and understandings. The line that courts and governments must draw between the permissible and the impermissible has to accord with history and faithfully reflect the understanding of the Founding Fathers. An analysis focused on original meaning and history, this Court has stressed, has long represented the rule rather than some exception within the Court's Establishment Clause jurisprudence.

Kennedy v. Bremerton Sch. Dist., 597 U.S. 507, 535-36 (2022) (cleaned up). District courts that do not "heed this guidance" commit reversible error. *Id.* at 536. If confirmed, I would faithfully and impartially apply the relevant, binding precedents of the Supreme Court and the Eighth Circuit.

38. I am concerned about the lack of trial experience you would bring to this lifetime position as a trial judge.

    a. How many jury trials have you tried to final verdict?

    Response: I have had the privilege of having tried five cases to verdict, judgment, or final decision in state and federal courts of record. I was chief counsel for my client in one of those cases, and associate counsel for the remaining four cases. One of these cases was a jury trial. I was also heavily involved in other matters that were set for jury trial but as often happens these cases settled either on the eve of or during trial.

    b. In how many cases tried to final resolution did you serve as chief counsel?

    Response: Please see my response to Question 38(a).

    c. Have you ever delivered an opening statement in any trial?

    Response: I did not deliver the opening statement in any jury trial that has been disclosed. To the best of my recollection, other matters set for jury trial settled before opening statements were delivered. I do not recall courts formally designating opening statements for any bench trial that has been disclosed.

    d. Have you ever delivered a closing argument in any trial?

    Response: I did not deliver the closing argument in any jury trial that has been disclosed. To the best of my recollection, other matters set for jury trial settled before closing arguments were delivered. I do not recall courts formally designating closing arguments for any bench trial that has been disclosed.

    e. Why are you qualified to serve as a federal trial judge when you have so little trial experience?

    Response: My extensive experience in an array of high-profile, complex legal matters has prepared me to serve as a federal district judge. I have defended my successful district-court level work at the United States Supreme Court, and have held high-ranking government roles litigating and supervising significant civil and criminal cases before federal district courts. As a litigator, I have had the privilege of arguing various motions in state and federal trial courts, including motions to dismiss, for judgment on the pleadings, for summary judgment, and for preliminary injunction. I have also handled evidentiary hearings and default

judgment proceedings, as well as cases that went to trial but were ultimately settled. Finally, I have tried five cases to verdict, judgment, or final decision in state and federal courts of record. I was chief counsel for my client in one of those cases, and associate counsel for the remaining four cases.

39. On May 26, 2020, following the murder of George Floyd, you posted on Twitter: "The awful and brutal tragedies that have occurred recently, including the weaponizing of one's privilege to endanger another on account of race, are unfortunate reminders that this country continues to struggle with deeply-rooted sins of racism that desperately need healing."

    a. By "awful and brutal tragedies," to what events were you referring?

    Response: As President Trump said in 2020 in his address to the Nation, "All Americans were rightly sickened and revolted by the brutal death of George Floyd." Statement by the President, The White House (June 1, 2020), https://tinyurl.com/t6r44fk8. I was no exception. Further, I condemn racism and racial discrimination. As Principal Deputy Assistant Attorney General for Civil Rights, I am proud of the Civil Rights Division's work to root out such discrimination from various contexts, including admissions, employment, and congressional maps.

    b. Do you still believe that "this country continues to struggle with deeply-rooted sins of racism that desperately need healing?"

    Response: Please see my response to Question 39(a).

    c. If your view has changed, when did it change and why?

    Response: Please see my response to Question 39(a).

40. On July 2, 2020, you posted on Twitter: "Love seeing initiatives such as The Appellate Project (@AppellateThe) and Law Clerks for Diversity (@Clrks4Diversity) on the rise!" Law Clerks for Diversity is a nonprofit that works "with judges to share the benefits of hiring applicants from diverse backgrounds and, hopefully as a result, increasing the demand for diverse applicants."

    a. Do you still support initiatives such as The Appellate Project and Law Clerks for Diversity?

    Response: No one should be excluded from the legal profession or serving in the federal judiciary on the basis of race, sex, ethnicity, religion, or any other protected characteristic. If confirmed, I will faithfully adhere to Canon 3(B)(3) of the Code of Conduct for United States Judges, which provides that judges "should exercise the power of appointment fairly and only on the basis of merit[.]"

b. If confirmed, would you work with The Appellate Project or Law Clerks for Diversity to help you hire law clerks?

Response: Please see my response to Question 40(a).

Questions for the Record for Jesus Armando Osete
Submitted by Senator Richard Blumenthal
October 7, 2026

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

   Response: If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, 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: If confirmed, I would faithfully adhere to all ethical rules and obligations governing judicial conduct.

   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: The Supreme Court has described it in that manner. *See Ex parte Robinson*, 86 U.S. 505, 510 (1873) ("The power to punish for contempts is inherent in all courts; its existence is *essential* to the preservation of order in

judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently *to the due administration of justice*." (emphasis added)). If confirmed, I would faithfully and impartially apply binding Supreme Court and Eighth Circuit precedent to the particular issues before me.

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

Response: Courts have "embraced an inherent contempt authority as a power 'necessary to the exercise of all others.'" *Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831-32 (1994) (quoting *United States v. Hudson*, 7 Cranch 32, 34 (1812)). But the exercise of the contempt power is "a delicate one, and care is needed to avoid arbitrary or oppressive conclusions." *Bloom v. Illinois*, 391 U.S. 194, 202 (1968) (citation omitted). If confirmed, I would follow all governing rules and precedents relating to the issue of judicial contempt orders should a case implicating the issue come before me as a district judge. As of now, however, consistent with the Code of Conduct and positions taken by prior judicial nominees, it would be inappropriate for me to comment on any subject of political controversy or to express a position regarding matters of public policy or any ongoing litigation. *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5.

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

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

Response: Yes.

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

Response: Yes.

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

Response: Generally, federal courts can ensure compliance with orders through tools like status reports and hearings, sanctions, and civil and criminal contempt proceedings.

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

Response: All parties properly before a federal court are subject to court orders and must comply with such orders. To be sure, the Supreme Court has held that

"orders made by a court having no jurisdiction to make them may be disregarded without liability to process for contempt." *United States v. United Mine Workers of Am.*, 330 U.S. 258, 291 (1947) (quotation marks omitted). If confirmed, I would faithfully and impartially apply binding Supreme Court and Eighth Circuit precedent to the particular issues before me.

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: Although it is not feasible to provide an exhaustive list here, a court order could be unlawful or void, for example, if the court lacked jurisdiction to issue it. *See, e.g.*, *Chambers v. Armontrout*, 16 F.3d 257, 260 (8th Cir. 1994).

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

Response: A party could move for relief from such an order, move for reconsideration, move for a stay, and/or seek appellate review.

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

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

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

Response: No.

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

Response: No.

7. It has been reported that you took part in meetings in late 2025 with Ed Martin and other Trump Administration officials and allies related to an investigation of the 2020 election in Fulton County, Georgia, and that, as a result of that investigation, the FBI raided the Fulton County election office in January 2026.

a. Did you take part in meetings with Trump administration officials and allies about an investigation of the 2020 election in Fulton County?

Response: As Principal Deputy Assistant Attorney General for Civil Rights, I had several discussions in 2025 regarding various election-related matters. The Civil

Rights Division at the U.S. Department of Justice has a Voting Section, which is responsible for enforcing various federal election laws. As to Fulton County, Georgia, the Civil Rights Division made civil demands for 2020 election records pursuant to the Civil Rights Act of 1960, 52 U.S.C. §§ 20701 et seq. and, following noncompliance, filed a civil lawsuit. Doc. 1, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga. Dec. 11, 2025). That lawsuit was "stayed after the FBI seized the election records," Doc. 108, at 9, *Pitts v. United States*, No. 1:26-cv-00809 (N.D. Ga. May 6, 2026), as part of "a separate criminal proceeding of which [the Civil Rights Division] is not involved." Doc. 27-1, at 5, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga. Feb. 6, 2026); *see also id.* at. 5-6 ("The Civil Rights Division, having not been involved in the criminal proceedings, has no knowledge as to whether the Defendant here is even relevant to that criminal investigation.").

b. If confirmed, will you recuse yourself from any cases involving the 2020 election?

Response: Please see my response to Question 1.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Jesus Osete

1. In 2022 while at the Missouri Secretary of State's Office, you objected to the Biden Justice Department's planned efforts to deploy officials to monitor *Americans with Disabilities Act* compliance on Election Day, claiming that their presence would be "disruptive" and "only undermine confidence in our elections and deter Missourians from casting their votes." However, at the nominations hearing on September 30, 2026, you stated that Trump DOJ officials, if deployed, would be there to ensure compliance with election laws.
    a. **Do you agree that Trump DOJ officials deployed to the polls would be disruptive?**

    Response: First, respectfully, the preamble to this question mischaracterizes the letter. To be sure, the letter stated a disagreement over the federal government's claimed legal basis for election monitoring pursuant to a particular statute. But it nevertheless acknowledged that such monitoring was authorized pursuant to other, longstanding federal election statutes. Indeed, the letter highlighted, for example, that the Voting Rights Act, 52 U.S.C. § 10305(d)(1), authorized federal observers to enter polling places, and monitors could also enter such sites with consent. The letter also suggested that "less [intrusive] means [were] available[,]" such as observing from a reasonable distance. Second, beyond providing this context, these questions relate to issues that are the subject of pending litigation and implicate matters of policy or political controversy. As a judicial nominee, it would thus be inappropriate for me to comment further. *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5.

    b. **Do you agree that Trump DOJ officials deployed to the polls would undermine confidence in our elections?**

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

    c. **Do you agree that Trump DOJ officials deployed to the polls would deter Americans from casting their votes?**

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

    d. **If your answer to a, b, or c, was anything other than "yes," how do you reconcile the contradiction?**

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

2. The Code of Conduct for United States Judges and related federal ethics rules bar federal judges from engaging in partisan politics. You had significant involvement in the Republican Party from 2021-2025.
    a. **Describe your involvement with the Republican Party from 2021-25.**

    Response: All response information about my previous political involvement is included in my Senate Judiciary Questionnaire.

    b. **If confirmed to the federal bench, what specific steps will you take to avoid political bias?**

    Response: If confirmed, I will decide all cases according to the law, without regard to partisan politics. *See* 28 U.S.C. § 453 (judicial oath). If confirmed, I will faithfully adhere to all ethical duties and responsibilities, including Canon 5 of the Code of Judicial Conduct for United States Judges.

3. According to an article published in February 2026 on ProPublica entitled "What meetings among Trump lawyers reveal about the FBI's seizure of election records in Georgia," Thomas Albus, whom Trump appointed last year as a U.S. attorney for Missouri's Eastern District, was overseeing an investigation of the 2020 vote in Fulton County, Georgia. According to the article, Albus met with many top government officials, including you, as you were serving as the Principal Deputy Assistant Attorney General for Civil Rights, to discuss the 2020 election. Shortly after those meetings, the FBI raided the Fulton County elections office, seizing over 600 boxes of ballots cast by Georgia voters. Review this article before responding.
    a. **In Fall of 2025, were you working as a Principal Deputy Assistant Attorney General for Civil Rights?**

    Response: Yes.

    b. **Did you participate in these meetings?** If so, for each such meeting, in as much detail as possible:
        i. **When did the meeting occur?**
        ii. **Where did the meeting occur?**
        iii. **Who attended the meeting?**
        iv. **Did you witness any violations of law, including the Hatch Act?**
        v. **At any time did any attendee express reservations about the proposed course of action? If so, who expressed reservations and what reservations did they express?**
        vi. **Was the FBI's raid of the Fulton County Elections office discussed during any of those meetings?**

    Response: As Principal Deputy Assistant Attorney General for Civil Rights, I had several discussions in 2025 regarding various election-related matters. The Civil Rights Division at the U.S. Department of Justice has a Voting Section, which is responsible for enforcing various federal election laws. As to Fulton County,

Georgia, the Civil Rights Division made civil demands for 2020 election records pursuant to the Civil Rights Act of 1960, 52 U.S.C. §§ 20701 et seq. and, following noncompliance, filed a civil lawsuit. Doc. 1, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga. Dec. 11, 2025). That lawsuit was "stayed after the FBI seized the election records," Doc. 108, at 9, *Pitts v. United States*, No. 1:26-cv-00809 (N.D. Ga. May 6, 2026), as part of "a separate criminal proceeding of which [the Civil Rights Division] is not involved." Doc. 27-1, at 5, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga. Feb. 6, 2026); *see also id.* at. 5-6 ("The Civil Rights Division, having not been involved in the criminal proceedings, has no knowledge as to whether the Defendant here is even relevant to that criminal investigation.").

Beyond that, consistent with my duties of confidentiality and the approach taken by past judicial nominees who were Executive Branch lawyers, it would be inappropriate for me to comment on the nature of any official internal communications within the Executive Branch.

Nomination of Jesus A. Osete
United States District Court for the Western District of Missouri
Questions for the Record
Submitted October 7, 2026

QUESTIONS FROM SENATOR BOOKER

1. In a 2016 article published in the *Washington University Law Review* discussing implementing an ombudsman's office for U.S. Customs and Border Protection, you wrote:

> [I]n recent times, it seems as if the Constitution is no longer recognized in some parts of the United States. Concealed by the cloud of an omnipotent and intrusive government, people . . . find themselves having to prove their citizenship, defend their ethnicity, and routinely fold on exercising fundamental constitutional rights within the United States.[1]

   a. Do these words reflect your current view? If not, explain.

   Response: I authored the referenced law review note as a law student over a decade ago. The note, in part, discussed legislation introduced during the Obama Administration that proposed the creation of an ombudsman's office for the U.S. Customs and Border Protection. Beyond acknowledging these facts, as a judicial nominee, it would be inappropriate for me to comment on matters of policy. *See, e.g.*, Code of Conduct for United States Judges, Canons 3(A)(6), 5. If confirmed, I would faithfully and impartially apply Supreme Court precedent, like *United States v. Martinez-Fuerte*, 428 U.S. 543 (1976), to the particular claims before me.

2. Have you ever discussed with President Trump, or any person associated with him or his Administration, pursuing a nomination to the U.S. Supreme Court? Describe the nature of the discussion, the name of the individual, and the date of the discussion.

   Response: No.

3. Explain the factors you would consider, if you are confirmed, to determine whether to recuse yourself in matters involving former clients, recent legal work and advocacy, and parties with whom you have had substantial financial relationships.

   Response: If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other laws, rules, and practices governing such circumstances.

[1] Jesus A. Osete, *The Praetorians: An Analysis of U.S. Border Patrol Checkpoints Following Martinez-Fuerte*, 93 Wash. U. L. Rev. 803 (2016). https://repository.library.washu.edu/law_lawreview/vol93/iss3/9.

4. If you are confirmed, how would you handle a request or directive from President Trump, or anyone affiliated with him acting on his behalf, to decide a matter in a way that would benefit the President personally, financially, or politically?

   Response: If confirmed, I will decide all cases according to the law, without regard to the identities of the parties involved. *See* 28 U.S.C. § 453 (judicial oath). If confirmed, I will faithfully adhere to all ethical duties and responsibilities.

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

      Response: If confirmed, I will faithfully adhere to all ethical duties and responsibilities, including any responsibilities to report *ex parte* communications, and I will make any reports in accordance with applicable policies and procedures.

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

      Response: As a judicial nominee, it would be inappropriate for me to address the sufficiency of existing recusal and conduct rules, because it is a matter of ongoing political controversy, *see* Code of Conduct for United States Judges, Canon 5, and because it would not be appropriate for me to forecast my views on matters that could come before me were I to be confirmed.

5. President Trump has repeatedly responded to adverse judicial rulings by threatening sitting judges, including calling for their impeachment and publicly disparaging them by name.

   a. Do you believe those statements are consistent with the rule of law?

      Response: As a judicial nominee, it would be inappropriate for me to opine on a political issue or a statement by any political figure. *See* Code of Conduct for United States Judges, Canon 5.

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

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

   c. Do you believe a President's public attacks on the judiciary constitute an attempt to interfere with the independence of the federal courts?

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

   d. Are you aware of any ethical obligation on the part of judges to speak out when the independence of the judiciary is threatened by the political branches?

Response: I am not aware of any statute, provision in the Code of Conduct for United States Judges, or other rule that obligates judges to "speak out when the independence of the judiciary is threatened by the political branches." If confirmed, I will faithfully adhere to all ethical duties and responsibilities.

6. The Code of Conduct for United States Judges requires judges to avoid impropriety and the appearance of impropriety in all activities (Canon 2). The Code does not list the acts that would create an appearance of impropriety. Instead, the commentary to Canon 2A explains that the prohibition is "cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code."[2]

    a. How do you interpret the appearance-of-impropriety standard? Provide examples of conduct that are not per se improper but could create an appearance of impropriety that a judge should avoid.

    Response: If confirmed, I will address all actual or potential conflicts of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other laws, rules, and practices governing such circumstances. Because "it is not practicable to list all prohibited acts," Code of Conduct for United States Judges, Canon 2(A), commentary, it would not be feasible to provide an exhaustive list of examples here in the abstract.

7. Under 18 U.S.C. § 1001, knowingly and willfully making a materially false statement in a matter within the jurisdiction of the legislative branch is a federal crime punishable by up to five years in prison.

    a. When this Committee evaluates a nominee for the federal bench, is any knowingly false statement made by that nominee to the Committee—even one that would not meet Section 1001's materiality requirement — probative of the nominee's fitness for a judgeship? Explain.

    Response: The advice-and-consent requirement serves, in part, to "promote a judicious choice of [persons] for filling the offices of the union[.]" *Edmond v. United States*, 520 U.S. 651, 659-60 (1997) (first alteration in original) (citation and quotation marks omitted). I would thus respectfully defer to the Committee's judgment as to what is or is not probative of a judicial nominee's fitness for office.

    b. When this Committee evaluates assessing the nomination of a political appointee, is any knowingly false statement made by that appointee to the Committee—even one that would not meet Section 1001's materiality requirement — probative of the nominee's fitness for executive service? Explain.

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

[2] Code of Conduct for United States Judges, https://www.uscourts.gov/administration-policies/judiciary-policies/ethics-policies/code-conduct-united-states-judges.

8. If this Committee were to determine that a sitting federal judge knowingly provided false testimony to it, what process do you believe should follow, and what consequences would be appropriate?

   Response: I would respectfully defer to the Committee on the appropriate process to pursue in that situation. Because such a situation could give rise to litigation, as a judicial nominee, it would be inappropriate for me to give my opinion.

9. If this Committee were to establish that a political appointee knowingly provided false testimony to it, what process do you believe should follow, and what consequences would be appropriate?

   Response: Please see my response to Question 8.

10. How would you characterize your judicial philosophy?

    Response: In exercising the "judicial Power of the United States," U.S. Const. art. III, § 1, federal judges must interpret and apply the law in cases or controversies before them. They must faithfully and impartially apply any governing constitutional, statutory, or regulatory text, as well as follow all binding Supreme Court and circuit precedents. Judges must refrain from adjudicating disputes based on their own policy or moral preferences and leave such preferences to the people's elected representatives.

11. What do you understand originalism to mean?

    Response: Originalism is a method of constitutional interpretation where judges ascertain the original meaning of a constitutional provision.

12. Do you consider yourself an originalist?

    Response: Yes.

13. What do you understand textualism to mean?

    Response: Textualism is a method of statutory interpretation where judges ascertain the plain and ordinary meaning of a statute's text at the time it was enacted.

14. Do you consider yourself a textualist?

    Response: Yes.

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

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

Response: If confirmed, I would faithfully apply all binding precedent of the Supreme Court and the Eighth Circuit concerning the use of legislative history when a statute's text is ambiguous.

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

Response: Yes. Indeed, "Congress expresses itself as a body through the text it enacts[,]" *FS Credit Opportunities Corp. v. Saba Cap. Master Fund, Ltd*, 608 U.S. 608, 623 (2026), and "[i]t is the statutory text ... that best reflects Congress's intent," *Republic of Hungary v. Simon*, 604 U.S. 115, 137 (2025).

16. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.[3]

a. What do you attribute this to?

Response: As a judicial nominee, it would be inappropriate for me to offer an opinion on a policy issue. *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5.

17. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.[4]

a. What do you attribute this to?

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

18. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

Response: Federal judges take an oath to faithfully and impartially uphold the Constitution, including its equal protection components. "[T]he 'core purpose' of the Equal Protection Clause is 'do[ing] away with all governmentally imposed discrimination based on race.'" *Students for Fair Admissions v. President and Fellows of Harvard Coll.*, 600 U.S. 181, 206

[3] Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).
[4] U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

(2023) (citation omitted). Although prosecutors retain broad discretion to enforce criminal laws, such decisions "may not be based on an unjustifiable standard such as race[.]" *United States v. Armstrong*, 517 U.S. 456, 464-65 (1996) (quotation marks omitted). If confirmed, I would faithfully and impartially apply Supreme Court and Eighth Circuit precedent to the particular claims before me.

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

Response: No one should be excluded from serving in the federal judiciary on the basis of race, sex, ethnicity, religion, or any other protected characteristic. If confirmed, I will faithfully adhere to Canon 3(B)(3) of the Code of Conduct for United States Judges, which provides that judges "should exercise the power of appointment fairly and only on the basis of merit[.]"

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

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

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

Response: To the best of my knowledge, I have not published written material or made public statements on any of these topics beyond what has been disclosed in my Senate Judiciary Questionnaire and in my responses to written questions for the record.

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

Response: All parties properly before a federal court are subject to court orders and must comply with such orders. To be sure, the Supreme Court has held that "orders made by a court having no jurisdiction to make them may be disregarded without liability to process for contempt." *United States v. United Mine Workers of Am.*, 330 U.S. 258, 291 (1947) (quotation marks omitted). If confirmed, I would faithfully and impartially apply binding Supreme Court and Eighth Circuit precedent to the particular issues before me.

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

Response: Courts have "embraced an inherent contempt authority as a power 'necessary to the exercise of all others.'" *Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 831-32 (1994) (quoting *United States v. Hudson*, 7 Cranch 32, 34 (1812)). But the exercise of the contempt power is "a delicate one, and care is needed to avoid arbitrary or oppressive conclusions." *Bloom v. Illinois*, 391 U.S. 194, 202 (1968). If confirmed, I would follow all governing rules and precedents relating to the issue of judicial contempt orders should a case implicating the issue come before me as a district judge.

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

Response: Please see my response to Question 21.

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

Response: The President has the constitutional authority to veto legislation passed by Congress. U.S. Const. art. I, § 7, cl. 2. Otherwise, the Take Care Clause provides that the President "shall take Care that the Laws be faithfully executed." U.S. Const. art. II, § 3, cl. 5. Under this provision, the Executive Branch has discretion to prioritize enforcement of federal law. *See, e.g.*, *TransUnion LLC v. Ramirez*, 594 U.S. 413, 429 (2021).

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

Response: This question relates to issues that are the subject of pending litigation, so it is inappropriate for me to comment. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

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

Response: Please see my response to Question 23.

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

Response: Although the text of the Supremacy Clause speaks for itself and there are different types of preemption, it is well established that "[w]hen state law conflicts with the Federal Constitution, the latter controls." *Pitts v. Mississippi*, 607 U.S. 1, 4 (2025) (per curiam) (citing U.S. Const. art. VI, cl. 2).

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

Response: The Supreme Court has held, for example, that the 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).

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

Response: In *Loper Bright Enterprises v. Raimondo*, the Supreme Court recognized that Congress has enacted statutes authorizing agencies to "exercise a degree of discretion," such as statutes that "empower an agency to prescribe rules to fill up the details of a statutory scheme." 603 U.S. 369, 394-95 (2024) (quotation marks omitted). But even when a statute "delegates discretionary authority to an agency," courts must nevertheless "independently interpret the statute and effectuate the will of Congress subject to constitutional limits." *Id.* at 395. They "fulfill[] that role by recognizing constitutional delegations, fix[ing] the boundaries of [the] delegated authority, and ensuring the agency has engaged in reasoned decisionmaking within those boundaries." *Id.* (second and third alterations in original) (citations and quotation marks omitted). If confirmed, I would faithfully and impartially apply Supreme Court precedent like *Loper Bright* to the particular claims before me.

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

Response: Yes. Although it is generally inappropriate for judicial nominees to comment on the merits or correctness of binding Supreme Court precedent, prior nominees have made exceptions for *Brown* and *Loving v. Virginia*, 388 U.S. 1 (1967). For any other Supreme Court precedents, I must respectfully refrain from commenting on the merits or correctness of such precedents. If confirmed, I will faithfully and impartially follow binding Supreme Court precedent.

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

Response: Yes. In *Griswold*, the Supreme Court recognized a constitutional right of married persons to obtain contraceptives and invalidated a Connecticut statute that criminalized prescribing contraceptives.

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

    Response: Yes. In *Lawrence*, the Supreme Court recognized a constitutional right to engage in private, consensual sexual acts, and invalidated a Texas statute that criminalized same-sex sodomy.

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

    Response: Yes. In *Obergefell*, the Supreme Court recognized a constitutional right to same-sex marriage, and invalidated various state laws that did not recognize such unions.

32. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election. A response that references only certification will be treated as a refusal to answer.

    Response: Joseph R. Biden Jr. was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. The certification process described in Article II and the Twelfth Amendment is the constitutionally prescribed process for electing the President. *See* U.S. Const. art. II, § 1; U.S. Const. amend. XII ("The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed[.]").

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

       Response: Please see my response to Question 32.

    b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, explain why not and examples.

       Response: Please see my response to Question 32.

33. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[5]

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

       Response: Yes. The Twenty-Second Amendment is an amendment to the United States Constitution, and the Constitution is "the supreme Law of the Land[.]" U.S. Const. art. VI, cl. 2.

[5] U.S. CONST. amend. XXII.

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

Response: Donald J. Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

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

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

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

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

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

Response: Please see my response to Question 33(d).

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

Response: The Twenty-Second Amendment prohibits any person from being "elected to the office of the President" for a third term. U.S. Const. amend. XXII.

34. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: No, other than to be mindful of the Code of Conduct for United States Judges, as well as the longstanding practices established by prior judicial nominees.

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

Response: No.

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

Response: Consistent with my duties of confidentiality and the approach taken by past judicial nominees who were Executive Branch lawyers, it would be inappropriate for me to comment on the nature of any official internal communications within the Executive Branch.

Separately, it is possible that I have had unofficial communications with individuals in social settings, such as an exchange of pleasantries.

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

Response: Please see my response to Question 36.

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

Response: Please see my response to Question 36.

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

Response: Please see my response to Question 36.

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

Response: Please see my response to Question 36.

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

Response: Please see my response to Question 36.

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

Response: No.

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

Response: No.

44. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.
    a. Enrique Tarrio
    b. Stewart Rhodes
    c. Kelly Meggs
    d. Kenneth Harrelson

e. Thomas Caldwell
f. Jessica Watkins
g. Roberto Minuta
h. Edward Vallejo
i. David Moerschel
j. Joseph Hackett
k. Ethan Nordean
l. Joseph Biggs
m. Zachary Rehl
n. Dominic Pezzola
o. Jeremy Bertino
p. Julian Khater

Response: No.

45. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

46. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes.

47. Article III Project (A3P) "defends constitutionalist judges and the rule of law." According to Mike Davis, Founder & President of A3P, "I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today's Democrats have become. They're Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems."[6]

    a. Do you agree with the above statement?

    Response: These are not my words and, as a judicial nominee, it would be inappropriate for me to comment on others' political statements, consistent with Canon 5(C) of the Code of Conduct for United States Judges and the past practice of judicial nominees.

    b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

[6] https://www.article3project.org/about

Response: Since I first expressed interest in this position, I have spoken to or corresponded with Mike Davis. Mr. Davis, for example, congratulated me on my nomination after it was publicly announced.

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

Response: To the best of my recollection, at the beginning of the Senate Judiciary Questionnaire process, the Office of Legal Policy provided general advice concerning that process, but the decision to list specific cases was mine alone.

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

Response: Please see my response to Question 48.

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

Response: Please see my response to Question 48.

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

Response: I prepared draft responses to these questions after consulting my records, legal research, and other judicial nominees' responses to similar questions. After receiving feedback from colleagues at the U.S. Department of Justice, I finalized my answers and authorized them to be submitted to the Senate Judiciary Committee. All answers are my own.

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

September 30, 2026

Questions for Jesus A. Osete (W.D. Mo.):

1. The following are yes or no questions related to the 2020 election:
    a. According to Wisconsin's certified 2020 General Election results, did Joe Biden receive more than 19,000 votes more than Donald Trump?

    Response: I am not personally familiar with the certified vote counts for any state in the 2020 election, but I do know that Joseph R. Biden Jr. was certified as the winner of the 2020 presidential election and served as the 46th President of the United States.

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

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

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

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

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

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

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

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

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

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

    g. Setting aside the precise vote totals, do you accept that, according to each state's certified results, Joe Biden received more votes than Donald Trump in Wisconsin, Pennsylvania, Georgia, Arizona, Nevada, and Michigan in the 2020 General Election?

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

h. Are you aware of any evidence that Joe Biden did not win more votes than Donald Trump in each of the states listed above? If so, please explain.

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

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

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

Response: Please see my response to Question 1(a). Further, consistent with the position taken by Justice Ketanji Brown Jackson in response to a 2020 election question, along with other prior nominees, it would be inappropriate for me as a judicial nominee to opine on a matter of political controversy. *See* Code of Conduct for United States Judges, Canon 5.

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

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

   Response: Please see my response to Question 3.

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: The referenced comments are not my words and, as a judicial nominee, it would be inappropriate for me to comment on matters of political controversy, including others' statements, consistent with the past practice of judicial nominees. *See* Code of Conduct for United States Judges, Canon 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: Under the Code of Conduct for United States Judges, it would be inappropriate for me, as a judicial nominee, to comment on or provide my personal evaluation of another judge's decision.

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

Response: Please see my response to Question 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: I personally have not. The Department of Justice is involved in pending civil litigation regarding 2020 election records. *See, e.g.*, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga.). Beyond that, as a judicial nominee, it would be inappropriate for me to comment on pending litigation. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

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: Numerous nominees, including Justice Ketanji Brown Jackson, have consistently adopted the position that commenting on the results of the 2020 presidential election would be akin to wading into matters of political controversy that would be inappropriate under the Code of Conduct for United States Judges. I join them in this conclusion. Per my response to Question 1(a), I have acknowledged the certified winner of the 2020 presidential election.

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

Response: The Supreme Court has recognized a constitutional right to privacy in a variety of contexts, based on different provisions in the Constitution. For instance, the Supreme Court has held, in the context of the Fourth Amendment, that an "individual has a reasonable expectation of privacy in records about his cell phone's location, and police intrude on that constitutionally protected interest when they demand the information—even though for only a limited time, and from a third-party tech company." *Chatrie v. United States*, 146 S. Ct. 2193, 2199 (2026). And in *Griswold v. Connecticut*, 381 U.S. 479 (1965), the Supreme Court recognized, based on privacy, a constitutional right of married persons to obtain contraceptives, and invalidated a Connecticut statute that criminalized prescribing contraceptives.

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

Response: *Griswold* is binding Supreme Court precedent, and I would faithfully and impartially apply it if confirmed. Beyond that, with limited exceptions, it would be inappropriate for me, as a judicial nominee, to comment on the merits or correctness of binding Supreme Court precedent.

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

Response: My two main role models are the two judges I clerked for: The Honorable Bobby E. Shepherd on the U.S. Court of Appeals for the Eighth Circuit, and the Honorable Zel M. Fischer, who sits on the Supreme Court of Missouri. Both men conducted themselves and their chambers with the utmost care, humility, and respect—respect for others and for the rule of law—and I would strive to emulate their examples.

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: The Supreme Court has issued several decisions in this area. *See, e.g.*, *Eisenstadt v. Baird*, 405 U.S. 438, 453-54 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965). However, in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), the Supreme Court held that there is not a constitutionally protected right to obtain an abortion and returned the issue of how abortion should be regulated to the democratic process in the states. If confirmed, I will faithfully and impartially apply binding Supreme Court precedent.

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: No one should be excluded from serving in the federal judiciary on the basis of race, sex, ethnicity, religion, or any other protected characteristic. If confirmed, I will faithfully adhere to Canon 3(B)(3) of the Code of Conduct for United States Judges, which provides that judges "should exercise the power of appointment fairly and only on the basis of merit[.]".

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

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: Because I have not been a judge and because I recognize the Senate's important role in considering my nomination, I have not yet developed a detailed process for hiring law clerks. I can say at this point that, if confirmed, I plan to hire based on merit, including academic performance and (when applicable) professional experience. I also would consider referrals and recommendations from practicing lawyers, professors, and other judges. I will create an account for the OSCAR online system, although I will likely require hard-copy applications. I will do in-person interviews with the final candidates, if possible, in part because I would want them to visit Kansas City, Missouri, to understand where they would spend at least a year of their life.

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: My clerkship hiring criteria and application process will be transparent and accessible to all applicants.

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

Response: Please see my responses to Question 12(a)-(d).

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

a. What does the 22nd Amendment state?

Response: The Twenty-Second Amendment provides:

> **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.

U.S. Const. amend. XXII.

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

Response: No.

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

Response: Donald J. Trump was certified the winner of the 2016 and 2024 presidential elections and thus, for purposes of the Twenty-Second Amendment, has been elected President twice.

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

Response: No.

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

Response: No.

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: If confirmed, I will treat everyone in my courtroom with dignity and respect, and I will analyze all claims in an impartial manner according to the law.

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: The Supreme Court has held that the 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). *Zadvydas* is binding Supreme Court precedent, and I would faithfully and impartially apply it if confirmed.

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: Please see my response to Question 14.

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

Response: Generally, federal courts can ensure compliance with orders through tools like status reports and hearings, sanctions, and civil and criminal 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?

Response: I have disclosed all responsive materials in my Senate Judiciary Questionnaire and in my responses to Questions for the Record.

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).

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: Article III of the United States Constitution "vests federal courts with the 'judicial Power' to decide 'Cases' and 'Controversies.'" *First Choice Women's Res. Ctrs., Inc. v. Davenport*, 608 U.S. 174, 183 (2026). This includes "a 'standing' requirement consisting of three elements: 'injury in fact, causation, and redressability.'" *Id.* (quoting *Diamond Alternative Energy, LLC v. EPA*, 606 U.S. 100, 110-11 (2025)). "Together, these elements help us distinguish cases and controversies fit for judicial resolution from questions of public policy reserved to the elected branches or abstract disputes better left to the debating hall." *Id.* The Supreme Court has also held that, under Article III, a "controversy must be definite and concrete, touching the legal relations of parties having adverse legal interests." *Aetna Life Ins. Co. of Hartford, Conn. v. Haworth*, 300 U.S. 227, 240-41 (1937).

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

Response: The cases-and-controversies requirement of Article III is generally intended to prevent courts from exceeding their constitutional authority and infringing on the legislative and executive powers held by the elected branches of government. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559-60 (1992).

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: Although courts have "an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party," *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006), parties can nevertheless voluntarily settle their dispute outside of court.

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

Response: A judge may dismiss a case for lack of subject-matter jurisdiction.

21. In November 2025, you commented on pending litigation over California's new congressional map, stating: "Race cannot be used as a proxy to advance political interests, but that is precisely what the California General Assembly did with Prop 50. Californians were sold an illegal, racially gerrymandered map, but the U.S. Constitution prohibits its use in 2026 and beyond."

    a. When you called the map "illegal," had any court made that finding?

    Response: This question relates to issues that are the subject of pending litigation, so, as a judicial nominee, it is inappropriate for me to comment. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

    b. Has any court ever agreed with your position that the congressional district maps drawn pursuant to California Proposition 50 (Prop 50) are unconstitutional?

    Response: Please see my response to Question 21(a).

    c. Identify the specific evidence you relied on to conclude that race, rather than partisanship, predominated in the drawing of the Prop 50 maps.

    Response: Please see my response to Question 21(a).

22. The same month you referred to California's maps as "illegal", you defended a map drawn by the Texas legislature in *Abbott v. LULAC*. You argued that the United States has a strong interest in "ensuring that federal courts do not erroneously interfere with federal elections and usurp the constitutional primacy of States in the drawing of congressional districts."

    a. Explain why the "constitutional primacy of States" weighed against any federal court intervention in Texas but not in California.

    Response: Please see my response to Question 21(a).

23. Are you aware of any voter registration data obtained by the Civil Rights Division that has been shared with DHS, USCIS, or any other agency? If so, please detail what voter registration data was collected and shared.

    Response: This question relates to issues that are the subject of pending litigation, so, as a judicial nominee, it is inappropriate for me to comment. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

24. In 2016, you wrote a law review article in which you stated that "it seems as if the Constitution is no longer recognized in some parts of the United States" where people "find themselves having to prove their citizenship, defend their ethnicity, and routinely fold on

exercising fundamental constitutional rights."

a. Do you stand by your 2016 statement?

Response: I authored the referenced law review note as a law student over a decade ago. Now, as a judicial nominee, it would be inappropriate for me to comment on matters of policy or political controversy. *See, e.g.*, Code of Conduct for United States Judges, Canons 3(A)(6), 5. If confirmed, I would faithfully and impartially apply Supreme Court precedent, like *United States v. Martinez-Fuerte*, 428 U.S. 543 (1976), to the particular claims before me.

b. During your tenure in the Civil Rights Division, did the Division open or consider any investigation into the detention of U.S. citizens by ICE or CBP? If not, why not?

Response: This question relates to issues that are the subject of a pending investigation, so, as a judicial nominee, it is inappropriate for me to comment. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

25. In 2020, you posted that you were "one of two Hispanics when clerking on the Eighth Circuit," and that "[w]e need more diversity in these institutions." You promoted Law Clerks for Diversity and The Appellate Project and replied "Sign me up" to a call for Law Clerks for Diversity mentors. Many of those posts have since been deleted.

a. When did you delete these posts, and why?

Response: To the best of my recollection, I voluntarily deactivated an old personal Twitter account in 2020 or 2021 upon entry to state government. This deactivation resulted in all tweets being deleted.

b. Do you still believe "we need more diversity" in federal clerkships and on the bench? If not, please explain why your views have changed.

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

c. Would you continue to participate in Law Clerks for Diversity or otherwise interact with their programs?

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

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Mr. Jesus A. Osete
Nominations Hearing
October 7, 2026

1. Did you attend meetings in late 2025 leading up to the Federal Bureau of Investigation (FBI)'s raid of an elections office in Fulton County, Georgia?

   Response: As Principal Deputy Assistant Attorney General for Civil Rights, I had several discussions in 2025 regarding various election-related matters. The Civil Rights Division at the U.S. Department of Justice has a Voting Section, which is responsible for enforcing various federal election laws. As to Fulton County, Georgia, the Civil Rights Division made civil demands for 2020 election records pursuant to the Civil Rights Act of 1960, 52 U.S.C. §§ 20701 et seq. and, following noncompliance, filed a civil lawsuit. Doc. 1, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga. Dec. 11, 2025). That lawsuit was "stayed after the FBI seized the election records," Doc. 108, at 9, *Pitts v. United States*, No. 1:26-cv-00809 (N.D. Ga. May 6, 2026), as part of "a separate criminal proceeding of which [the Civil Rights Division] is not involved." Doc. 27-1, at 5, *United States v. Alexander*, No. 1:25-cv-07084 (N.D. Ga. Feb. 6, 2026); *see also id.* at. 5-6 ("The Civil Rights Division, having not been involved in the criminal proceedings, has no knowledge as to whether the Defendant here is even relevant to that criminal investigation.").

   Beyond that, consistent with my duties of confidentiality and the approach taken by past judicial nominees who were Executive Branch lawyers, it would be inappropriate for me to comment on the nature of any official internal communications within the Executive Branch.

   a. Did you attend meetings regarding a civil investigation, a criminal investigation, or both?

      Response: Please see my response to Question 1.

   b. How many meetings did you attend?

      Response: Please see my response to Question 1.

   c. Who was present at each of these meetings?

      Response: Please see my response to Question 1.

   d. What were the dates, times, and locations of those meetings?

      Response: Please see my response to Question 1.

e. Please provide descriptions of the topic(s) discussed at these meetings.

Response: Please see my response to Question 1.

f. Have you attended other meetings in which raids of elections offices (in Fulton County or elsewhere) have been discussed?

Response: No.

i. If so, who was present at these meetings?

ii. If so, what were the dates, times, and locations of those meetings?

iii. If so, please provide descriptions of the topic(s) discussed at these meetings.

2. Please describe your involvement, if any, in drafting the affidavit submitted by U.S. Attorney Thomas Albus to support the FBI's search warrant application in the Fulton County matter.

Response: I had no involvement in drafting the referenced affidavit.

3. Since the start of the second Trump Administration, the Civil Rights Division of the Department of Justice (DOJ) has filed thirty-one lawsuits seeking the complete voter rolls of states.

a. Please describe your involvement, if any, with these cases as Principal Deputy Assistant Attorney General for the Civil Rights Division.

Response: This question relates to issues that are the subject of pending litigation, so, as a judicial nominee, it is inappropriate for me to comment. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

b. Please provide a list of contractors, if any, to whom the Civil Rights Division is disclosing voter data.

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

c. Have any officials within the Civil Rights Division communicated with any outside groups or individuals in relation to voter data requests or analysis? If so, please list the names of these entities.

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

d. Please describe what analyses the Civil Rights Division has conducted using voter data, including any methodologies used.

Response: Please see my response to Questions 1 and 3(a). Beyond that, consistent with my duties of confidentiality and the approach taken by past judicial nominees who were Executive Branch lawyers, it would be inappropriate for me to comment on the nature of any official internal communications within the Executive Branch.

e. What work has the Civil Rights Division undertaken to attempt to enforce Executive Orders 14248 and 14399?

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

4. Assistant Attorney General Harmeet Dhillon has publicly estimated that DOJ will send approximately 1,000 election monitors to the midterm elections.

a. Please identify the factors that the Civil Rights Division considers when determining whether election monitors will be sent to a particular polling location.

Response: This question relates to issues that are the subject of pending litigation, so, as a judicial nominee, it is inappropriate for me to comment. *See* Code of Conduct for United States Judges, Canon 3(A)(6). Further, consistent with my duties of confidentiality and the approach taken by past judicial nominees who were Executive Branch lawyers, it would be inappropriate for me to comment on the nature of any official internal communications within the Executive Branch.

b. Please describe your involvement, if any, in approving or overseeing the deployment of monitors for the primary and general elections related to the 2026 midterms.

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

5. David Levin is an attorney who was previously convicted of hacking election government websites in Florida.

a. Is Mr. Levin now an employee of the Civil Rights Division?

Response: No.

b. Did the Civil Rights Division send Mr. Levin to monitor the Minnesota primary? If yes, please describe your involvement, if any, in the decision to send Mr. Levin to monitor the Minnesota primary.

Response: Yes. I had no involvement in the referenced decision.

c. Were DOJ officials aware of Mr. Levin's convictions for hacking election websites before he was hired?

Response: For the reasons set forth in my response to Question 6(d) pertaining to the selection process for most career positions, I was not aware of the referenced information.

d. Does the Civil Rights Division intend to have Mr. Levin participate in election monitoring during the 2026 midterm election in November?

Response: For the reason set forth in my response to Question 5(a), no.

e. Does the Civil Rights Division have a policy prohibiting individuals convicted of, or charged with, election-related offenses from participating in election monitoring on behalf of the DOJ?

Response: I am not aware of the Civil Rights Division ever having such a formal policy.

6. Please explain your involvement with the DOJ's hiring process since you began working in the Civil Rights Division.

a. Who is overseeing the hiring of career attorneys in the Civil Rights Division?

Response: The Assistant Attorney General for Civil Rights oversees all of the functions within the Civil Rights Division.

b. Approximately how many applications have you reviewed?

Response: As a member of the Senior Executive Service and Senior Level Standing Performance Review Board at the U.S. Department of Justice, and consistent with guidance from the Office of Personnel Management, I have personally reviewed approximately six applications for career Senior Executive Service ("SES") positions and interviewed the applicants for such positions.

c. Approximately how many applicants have you interviewed?

Response: Please see my response to Question 6(b).

d. Please explain the hiring process for any career staff hired since January 20, 2025.

Response: I have no personal knowledge over matters that predate my time at the Civil Rights Division, which started on May 12, 2025, or before my official elevation to Principal Deputy Assistant Attorney General for Civil Rights in July 2025. It is my understanding that non-SES career line attorney applicants are screened, ranked, interviewed, and recommended by career staff. The Assistant Attorney General for Civil Rights or her designee must then formally approve the recommendation. I have had no role in that process other than being informed of selections.

e. Are you following the 2008 recommendations regarding prohibited personnel practices issued by the DOJ Inspector General and the DOJ Office of Professional Responsibility?

Response: Please see my response to Question 6(d).

f. To what extent are career officials involved in hiring decisions?

Response: Please see my response to Question 6(d).

7. Is there an active investigation by the Civil Rights Division into the killing of Renée Good?

Response: This question relates to issues that are the subject of pending litigation, so, as a judicial nominee, it is inappropriate for me to comment. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

a. If so, please generally describe the investigation's scope, including, but not limited to, the number of Division staff assigned to the investigation, the scope of the investigation, and the extent to which other Executive Branch agencies are cooperating with the investigation.

Response: Please see my response to Question 7.

b. Please describe your involvement, if any, in the investigation.

Response: Please see my response to Question 7.

c. Approximately how many Division personnel have been assigned to the investigation?

Response: Please see my response to Question 7.

d. Has the President or any other senior member of the White House contacted you regarding the investigation?

Response: Please see my response to Question 7. Further, consistent with my duties of confidentiality and the approach taken by past judicial nominees who were Executive Branch lawyers, it would be inappropriate for me to comment on the nature of any official internal communications within the Executive Branch.

e. Can you commit to making the results of this investigation public when it is complete?

Response: Please see my response to Question 7.

Questions for the Record

Jesus A. Osete – Nominee to be U.S. District Judge for the Western District of Missouri

Sen. Adam Schiff (CA)

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

   Response: Federal law addresses public corruption in various ways. For example, 18 U.S.C. § 201 prohibits "[b]ribery of public officials and witnesses." If confirmed, I would consult the definition set forth by the relevant statute or precedent.

   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: If this scenario were to come before me, I would faithfully and impartially apply governing law, including binding precedent. Because corruption has legal meaning and legal consequences attached to it, as a judicial nominee, it would be inappropriate for me to comment on legal issues that could come before me if confirmed. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

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

   Response: Yes.

   a. Describe the Article III cases and controversies requirement.

      Response: Article III of the United States Constitution "vests federal courts with the 'judicial Power' to decide 'Cases' and 'Controversies.'" *First Choice Women's Res. Ctrs., Inc. v. Davenport*, 608 U.S. 174, 183 (2026). This includes "a 'standing' requirement consisting of three elements: 'injury in fact, causation, and redressability.'" *Id.* (quoting *Diamond Alternative Energy, LLC v. EPA*, 606 U.S. 100, 110-11 (2025)). "Together, these elements help us distinguish cases and controversies fit for judicial resolution from questions of public policy reserved to the elected branches or abstract disputes better left to the debating hall." *Id.*

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

      Response: The Supreme Court has held that, under Article III, a "controversy must be definite and concrete, touching the legal relations of parties having adverse legal interests." *Aetna Life Ins. Co. of Hartford, Conn. v. Haworth*, 300 U.S. 227, 240-41 (1937).

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

Response: If this scenario were to come before me, I would faithfully and impartially apply governing law, including binding precedent. Otherwise, as a judicial nominee, it would be inappropriate for me to comment on legal issues that could come before me if confirmed. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

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

Response: Judges have several options for dealing with frivolous lawsuits. Potential sanctions include fines and attorneys' fees. *See, e.g.*, Fed. R. Civ. P. 11(c)(4). Such sanctions are supposed to "be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated." *Id.*

3. How would you describe your judicial philosophy?

Response: In exercising the "judicial Power of the United States," U.S. Const. art. III, § 1, federal judges must interpret and apply the law in cases or controversies before them. They must faithfully and impartially apply any governing constitutional, statutory, or regulatory text, as well as follow all binding Supreme Court and circuit precedents. Judges must refrain from adjudicating disputes based on their own policy or moral preferences and leave such preferences to the people's elected representatives.

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

Response: According to the Supreme Court, the "starting point" for statutory interpretation "is the statutory text." *Desert Palace, Inc. v. Costa*, 539 U.S. 90, 98 (2003). When the "words of the statute are unambiguous, the judicial inquiry is complete." *Id.* (quotation marks omitted). Otherwise, courts can use "traditional tools of statutory construction ... to resolve statutory ambiguities." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 401 (2024). If confirmed, I would faithfully apply all binding precedent of the Supreme Court and the Eighth Circuit concerning statutory interpretation. In the absence of binding precedent, I would apply textualism to discern the plain and ordinary meaning of a statute's text at the time it was enacted.

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

Response: Please see my response to Question 4.

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

Response: Please see my response to Question 4. Further, if confirmed, I would faithfully apply all binding precedent of the Supreme Court and the Eighth Circuit concerning the use of legislative history when a statute's text is ambiguous. Where

appropriate, legislative and statutory history can play a role in understanding the meaning of the text, but it may never override the text itself.

6. How do you define judicial activism?

   Response: I understand judicial activism to refer to judges reaching decisions based on their personal or policy preferences rather than the law.

7. Supreme Court Justice Clarence Thomas has argued that a judge has a constitutional duty to overrule past Supreme Court precedent if it is "demonstrably erroneous," regardless of *stare decisis*.
   a. Do you agree with this argument? Why or why not?

      Response: Consistent with the Code of Conduct for United States Judges, it would be inappropriate for me to opine on the statements of a Supreme Court Justice. Moreover, as a district judge, I would not be tasked with determining the correctness of binding Supreme Court precedent. Indeed, it is exclusively the Supreme Court's "prerogative" to "overrul[e] its own decisions." *Rodriguez de Quijas v. Shearson/Am. Exp., Inc.*, 490 U.S. 477, 484 (1989).

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

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

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

      Response: If confirmed, per the doctrine of vertical *stare decisis*, I will faithfully and impartially apply binding Supreme Court and Eighth Circuit precedent to the particular issues before me. *See, e.g.*, *Mallory v. Norfolk S. Ry. Co.*, 600 U.S. 122, 136 (2023) ("If a precedent of this Court has direct application in a case, … a lower court should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions." (quotation marks omitted)).

8. In November 2022, while at the Missouri Secretary of State's Office, you wrote to then-Attorney General Merrick Garland to object to the Department of Justice's planned deployment of officials to polling locations in Missouri to "monitor compliance" with the Americans with Disabilities Act (ADA) on Election Day. You noted that federal officials' presence would be "disruptive" and "only undermine confidence in our elections and deter Missourians from casting their votes."
   a. Do you still hold this view?

      Response: First, respectfully, the preamble to this question mischaracterizes the letter. To be sure, the letter stated a disagreement over the federal government's claimed legal basis for election monitoring pursuant to a particular statute. But it nevertheless acknowledged that such monitoring was authorized pursuant to

other, longstanding federal election statutes. Indeed, the letter highlighted, for example, that the Voting Rights Act, 52 U.S.C. § 10305(d)(1), authorized federal observers to enter polling places, and monitors could also enter such sites with consent. The letter also suggested that "less [intrusive] means [were] available[,]" such as observing from a reasonable distance. Second, beyond providing this context, this question relates to issues that are the subject of pending litigation and implicates matters of policy or political controversy. As a judicial nominee, it would thus be inappropriate for me to comment further. *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5.

b. At your Senate Judiciary Committee nomination hearing, you stated that the Department of Justice will continue the use of election monitors, like past Administrations, to observe violations of election law. How will the Department of Justice ensure that election monitors will not in your own words, be "disruptive" or "undermine confidence in our elections and deter [Americans] from casting their votes"?

Response: Please see my response to Question 8(a).

c. What do you think about the current threats to deploy, not just monitors, but federal law enforcement officials to the polls during the upcoming midterm elections?

Response: This question relates to issues that are the subject of pending litigation and implicates matters of policy or political controversy. As a judicial nominee, it would thus be inappropriate for me to comment further. *See* Code of Conduct for United States Judges, Canons 3(A)(6), 5.

9. Following an article about Solicitor General Noel Francisco's departure from the Department of Justice in 2020, you posted a quote from the article noting that "[d]espite being representative of 37% of the American population, Black, Latinx, and Asian lawyers made up just 5% of the attorneys arguing before the Supreme Court from 2005 through 2016." In a separate post that year, you also noted that you were "one of two Hispanics when clerking on the Eighth Circuit" and that "[w]e need more diversity in these institutions."
   a. Do you stand by these statements?

Response: No one should be excluded from the legal profession or serving in the federal judiciary on the basis of race, sex, ethnicity, religion, or any other protected characteristic. If confirmed, I will faithfully adhere to Canon 3(B)(3) of the Code of Conduct for United States Judges, which provides that judges "should exercise the power of appointment fairly and only on the basis of merit[.]"

b. Do you see value in racial and ethnic diversity in the legal profession?

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

c. If confirmed as a judge, would you strive to hire law clerks from diverse racial and ethnic backgrounds?

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

10. In a 2016 article published in the Washington University Law Review, you analyzed U.S. Customs and Border Protection checkpoints and wrote that "in recent times, it seems as if the Constitution is no longer recognized in some parts of the United States. Concealed by the cloud of an omnipotent and intrusive government, people . . . find themselves having to prove their citizenship, defend their ethnicity, and routinely fold on exercising fundamental constitutional rights within the United States."

a. What did you mean when you wrote this?

Response: I authored the referenced law review note as a law student over a decade ago. The note speaks for itself.

b. Do you still see this problem occurring today?

Response: As a judicial nominee, it would be inappropriate for me to comment on matters of policy or political controversy. *See, e.g.*, Code of Conduct for United States Judges, Canons 3(A)(6), 5. If confirmed, I would faithfully and impartially apply Supreme Court precedent, like *United States v. Martinez-Fuerte*, 428 U.S. 543 (1976), to the claims before me.

11. At your Senate Judiciary Committee nomination hearing, Senator Hirono asked you whether it is okay for Presidents to call for the impeachment of judges whose decisions they dislike. You refused to answer this question.

a. Should federal judges ever be impeached solely because of the content of their judicial decisions?

Response: Respectfully, the preamble to this question mischaracterizes the exchange. Senator Hirono asked the nominees if we agreed with the Chief Justice regarding comments purportedly made by the President. As a judicial nominee, it would be inappropriate for me to opine on a political controversy, including public figures' statements. *See* Code of Conduct for United States Judges, Canon 5. I testified at the hearing that Canon 5 precluded me from also commenting on when impeachment would be appropriate, since impeachment is inherently a political question. *See, e.g.*, *Nixon v. United States*, 506 U.S. 224, 236 (1993) (rejecting "opening the door of judicial review to the procedures used by the Senate in trying impeachments" that would otherwise "expose the political life of the country to months, or perhaps years, of chaos" (quotation marks omitted)). Finally, I testified that disagreements over a judge's ruling are best reserved for appellate review.

b. What is the appropriate response for litigants who disagree with a judicial decision?

Response: Please see my response to Question 11(a). Further, before appellate review, a party could move for relief from such an order, move for reconsideration, and/or move for a stay.

12. At your Senate Judiciary Committee nomination hearing, Senator Welch asked you if you agreed with President Trump's comment that the only way Democrats could win in the upcoming elections is by cheating. You refused to answer his question.
    a. Do you agree with President Trump's statement?

Response: Respectfully, the preamble to this question mischaracterizes the exchange. Senator Welch asked me if I agreed with the President's purported comments, and I testified that I was not familiar with the comments, that the comments were not my words, and that, as a judicial nominee, I could not comment on matters of political controversy, including public figures' statements. *See* Code of Conduct for United States Judges, Canon 5.

    b. Why do you believe answering this question is barred by the Code of Conduct for United States Judges?

Response: Please see my response to Question 12(a). One politician's disagreement with another politician's views is, by definition, a political controversy.

13. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you which candidate won the 2020 election. You responded that Joe Biden was certified by the Electoral College but refused to state who won the popular vote.
    a. As a matter of fact, which of the two general election candidates lost the 2020 election?

Response: The plain text of the Twelfth Amendment refers to the "person having the greatest number of votes for President," and that person "shall be the President[.]" U.S. Const. amend. XII. As a matter of fact, for the 2020 presidential election, Joseph R. Biden Jr. was certified as that "person" and thus served as the 46th President of the United States.

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

Response: The plain text of the Twelfth Amendment refers to the "person having the greatest number of votes for President," and that person "shall be the President[.]" U.S. Const. amend. XII. As a matter of fact, for the 2024 presidential election, Donald J. Trump was certified as that "person" and is thus serving as the 47th President of the United States.

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

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

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 response to Question 13(a).

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

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

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

Response: Consistent with the position taken by Justice Ketanji Brown Jackson in response to a 2020 election question, along with other prior nominees, it would be inappropriate for me as a judicial nominee to opine on a matter of political controversy. *See* Code of Conduct for United States Judges, Canon 5.

14. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you whether the U.S. Capitol was attacked on January 6, 2021. You refused to describe the events of January 6, 2021, as an attack on the U.S. Capitol.
    a. Was there violence at the U.S. Capitol on January 6, 2021?

    Response: Yes.

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

    Response: On January 6, 2021, crowd members "forced entry into the [Capitol], breaking windows, and assaulting members of the U.S. Capitol Police. This breach of the Capitol caused Members of Congress to evacuate the Chambers and delayed the certification process." *Fischer v. United States*, 603 U.S. 480, 484 (2024) (quotation marks omitted). I condemn these acts unconditionally.

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

    Response: I condemn all assaults against law enforcement officers. Because the term "attack" has legal meaning and legal consequences attached to it, as a judicial nominee, it would be inappropriate for me to comment on legal issues that

could come before me if confirmed. *See* Code of Conduct for United States Judges, Canon 3(A)(6).

15. At your Senate Judiciary Committee nomination hearing, you answered Senator Blumenthal's questions about the 2020 presidential election and the January 6, 2021, attack on the U.S. Capitol 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 and the January 6, 2021, attack on the U.S. Capitol? If so, who provided that guidance?

       Response: I prepared for my hearing as I would for an oral argument, by considering how I might answer questions that have come up in other recent hearings. The Office of Legal Policy referred me to the hearing testimony of numerous previous nominees from the past decade, including nominees from both the Biden and Trump Administrations. To the best of my recollection, no one directed me to any testimony regarding the 2020 election or January 6 in particular, although that was part of some of the broader testimony I reviewed. As to my written responses, I drafted responses to these questions. The Office of Legal Policy referred me to samples of previous nominees' responses, which are publicly available, and provided general advice and limited feedback on my responses. I finalized my answers and authorized them to be submitted to the Committee. All responses (at the hearing and here) are my own.

    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 and the January 6, 2021, attack on the U.S. Capitol? If so, who provided that guidance?

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