

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Megan Blair Benton
Nominee to be U.S. District Judge for the Western District of Missouri
December 29, 2025

1. In 2020, you authored an article in the *Journal of the Missouri Bar* discussing a new law passed by the Missouri General Assembly that authorized prosecuting attorneys to divert a criminal case to a prosecution diversion program. You wrote about some of the legal issues that could arise from the new law and made some recommendations on what the prosecution agreements should include.
 - a. **While serving as an Assistant Prosecuting Attorney in the Platte County Prosecutor's Office, did you ever enter into a prosecution diversion agreement with any individual?**

Response: No, not that I can recall.

- i. **If so, what did you take away from that experience and how will that inform your work as a federal judge, should you be confirmed?**

Response: Not applicable.

- ii. **If not, why?**

Response: The Missouri General Assembly enacted the referenced statute – § 557.014, RSMo – in 2019. From the law's enactment to when I became a judge in 2021, I only prosecuted serious, violent felonies that did not qualify for diversion agreements under the statute.

- b. **What are your views on diversion programs?**

Response: The prosecuting attorney has the authority under § 557.014, RSMo, to enter into diversion programs in certain cases, taking the individual facts and circumstances into consideration. To the extent this question is asking for my personal opinion on diversion programs, as a sitting state court judge who oversees diversion programs in court, it is impermissible for me to comment on any pending or impending litigation or forecast how I might rule in any particular case. *See, e.g.*, Missouri Code of Judicial Conduct, Rule 2-2.10.

- c. **Do you agree that they are a useful tool in our justice system?**

Response: Yes.

2. In 2024, you were subject to a retention election in Missouri. During that election cycle, you were endorsed by the Missouri Right to Life PAC.

a. Did you seek out the Missouri Right to Life PAC's endorsement?

Response: No, I did not seek out the Missouri Right to Life PAC's endorsement.

b. Do you know why the PAC endorsed you?

Response: No, I do not know why the PAC endorsed me.

3. Did President Trump lose the 2020 election?

Response: Joseph Biden was certified as the winner of the 2020 election and served as the 46th President of the United States.

4. Where were you on January 6, 2021?

Response: I was in Kansas City, Missouri.

5. Do you denounce the January 6 insurrection?

Response: As a sitting state court judge and a district court nominee, it is impermissible for me to opine on any pending or impending litigation or comment on any political issue. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: As a sitting state court judge and a district court nominee, it is impermissible for me to opine on any pending or impending litigation or comment on any political issue. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.

7. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. 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: Generally, there are procedural mechanisms and safeguards in place for parties who disagree with a court's order. These procedural mechanisms and safeguards include, but are not limited to, an appeal of the order, a motion for

reconsideration, or a request for a stay of the order. Because this matter is currently being litigated and could come before me as a judge, it is impermissible for me to further opine on this issue under the Code of Conduct for United States Judges and its judicial canons and the Missouri Code of Judicial Conduct. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.

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

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

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

Response: Under Article III of the U.S. Constitution, the judicial power is vested in the Supreme Court and “in such inferior Courts as the Congress may from time to time ordain and establish.” This judicial power includes the power to issue court orders and determine whether court orders are lawful.

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

a. Are non-party injunctions constitutional?

Response: In *Trump v. CASA*, the Supreme Court held that the equitable power of the courts likely extends only to the parties properly before the court, and no further. 606 U.S. 831 (2025). Because questions regarding the constitutionality of non-party injunctions remains pending before the courts, as a district court nominee, it is impermissible for me to opine further on this issue under the Code of Conduct for United States Judges and its judicial canons. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5.

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

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

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

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

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

Response: No, not that I can recall.

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

Response: No, not that I can recall.

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

Response: The 22nd Amendment to the Constitution states that “[n]o personal shall be elected to the office of the President more than twice.”

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

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: I am not familiar with the above statement or its context. Because the question calls for a response that requires me to express an opinion on a political matter, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on this issue. *See* Code of Conduct of U.S. Court Judges, Canon 5; Missouri Code of Judicial Conduct, Rule 2.

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

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

12. In addition to the President’s own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”² and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”³

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

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

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

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

Response: I am not familiar with the above statement or its context. Because the question calls for a response that requires me to express an opinion on a political matter, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on this issue. *See* Code of Conduct of U.S. Court Judges, Canon 5; Missouri Code of Judicial Conduct, Rule 2.

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

Response: Please see my response to question 12(b).

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 12(b).

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

Response: It is never appropriate for a lower court to depart from binding Supreme Court precedent.

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

Response: To my knowledge, a circuit court must convene en banc to overturn its own precedent.

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

Response: The Supreme Court may overrule its own precedent in certain situations. *See, e.g., Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022).

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

a. *Brown v. Board of Education*

Response: Yes, *Brown v. Board of Education* was correctly decided. While it is generally improper for judicial nominees to give an opinion about whether Supreme Court precedent was correctly decided, nominees have historically excepted *Brown v. Board of Education* and *Loving v. Virginia*. Because of this practice, I believe that it is appropriate for me to offer my views on *Brown* and *Loving*.

b. *Plyler v. Doe*

Response: Please see my response to question 16(a). *Plyler v. Doe* is binding Supreme Court precedent and I will follow it faithfully.

c. *Loving v. Virginia*

Response: Yes, *Loving v. Virginia* was correctly decided. While it is generally improper for judicial nominees to give an opinion about whether Supreme Court precedent was correctly decided, nominees have historically excepted *Brown v. Board of Education* and *Loving v. Virginia*. Because of this practice, I believe that it is appropriate for me to offer my views on *Brown* and *Loving*.

d. *Griswold v. Connecticut*

Response: Please see my response to question 16(a). *Griswold v. Connecticut* is binding Supreme Court precedent and I will follow it faithfully.

e. *Trump v. United States*

Response: Please see my response to question 16(a). *Trump v. United States* is binding Supreme Court precedent and I will follow it faithfully.

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

Response: Please see my response to question 16(a). *Dobbs v. Jackson Women's Health Organization* is binding Supreme Court precedent and I will follow it faithfully.

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

Response: Please see my response to question 16(a). *New York State Rifle & Pistol Association, Inc. v. Bruen* is binding Supreme Court precedent and I will follow it faithfully.

h. *Obergefell v. Hodges*

Response: Please see my response to question 16(a). *Obergefell v. Hodges* is binding Supreme Court precedent and I will follow it faithfully.

i. *Bostock v. Clayton County*

Response: Please see my response to question 16(a). *Bostock v. Clayton County* is binding Supreme Court precedent and I will follow it faithfully.

j. *Masterpiece Cakeshop v. Colorado*

Response: Please see my response to question 16(a). *Masterpiece Cakeshop v. Colorado* is binding Supreme Court precedent and I will follow it faithfully.

k. *303 Creative LLC v. Elenis*

Response: Please see my response to question 16(a). *303 Creative LLC v. Elenis* is binding Supreme Court precedent and I will follow it faithfully.

l. *United States v. Rahimi*

Response: Please see my response to question 16(a). *United States v. Rahimi* is binding Supreme Court precedent and I will follow it faithfully.

m. *Loper Bright Enterprises v. Raimondo*

Response: Please see my response to question 16(a). *Loper Bright Enterprises v. Raimondo* is binding Supreme Court precedent and I will follow it faithfully.

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

Response: If confirmed, I would follow all Supreme Court and circuit court precedent and employ methodologies consistent with its cases. The Supreme Court has routinely interpreted various constitutional provisions by examining the original public meaning of the Constitution or text at the time it was enacted or ratified. *See, e.g., United States v. Rahimi*, 602 U.S. 680 (2024); *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008).

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

Response: Please see my response to question 17.

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

Response: In *Obergefell v. Hodges*, same-sex couples claimed that their respective state officials “violate[d] the Fourteenth Amendment by denying them the right to marry or to have marriages lawfully performed in another State given full recognition.” 576 U.S. 644, 644 (2015). The Supreme Court held “that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character.” *Id.* at 681. *Obergefell* is binding Supreme Court precedent and if I am so fortunate to be confirmed as a district court judge, I will follow it faithfully.

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

Response: In *Loving v. Virginia*, the Supreme Court struck down a state law prohibiting interracial couples from marrying, finding that the state law violated the Fourteenth Amendment to the U.S. Constitution. 388 U.S. 1 (1967). *Loving* is binding Supreme Court precedent and if I am so fortunate to be confirmed as a district court judge, I will follow it faithfully.

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

Response: The Equal Protection and Due Process Clauses of the Fourteenth Amendment state that no State shall “deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1. There are many Supreme Court cases that discuss the application of the Equal Protection and Due Process clauses of the Fourteenth Amendment to many different situations and, if confirmed, I would faithfully follow any binding Supreme Court precedent governing such situations.

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

Response: The Supreme Court has applied the Fourteenth Amendment to claims from the individuals referenced in your question. *See, e.g., United States v. Skrmetti*, 605 U.S. 495 (2025); *Obergefell v. Hodges*, 576 U.S. 644 (2015); *United States v. Virginia*, 518 U.S. 515 (1996). In determining how these clauses apply to the aforementioned individuals, if confirmed, I would look to binding Supreme Court and Eighth Circuit precedent and apply it faithfully.

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

Response: Please see my response to question 17.

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

Response: Please see my response to question 17. To the extent that this question is asking me to opine on a matter that could come before me as a judge, I cannot provide an answer consistent with my ethical obligations under the Missouri Code of Judicial Conduct and the Code of Conduct of U.S. Judges. *See, e.g., Code of Conduct of U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.*

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

Response: The First Amendment of the U.S. Constitution states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” If I am so fortunate to be confirmed, I will faithfully follow all binding Supreme Court and Eighth Circuit precedent regarding who is entitled to First Amendment protections. Beyond that, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on any pending or impending litigation or forecast how I might rule in any particular case. *See, e.g.*, Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: Generally speaking, the Supreme Court has held that content-based laws are “those that target speech based on its communicative content,” or those that “appl[y] to a particular speech because of the topic discussed or the idea or message expressed.” *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). In determining whether a law regulating speech is “content-based” or “content-neutral,” I would look for the applicable binding Supreme Court and Eighth Circuit precedent that most closely mirrors the facts before me.

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

Response: The Supreme Court defines “true threats” as “serious expressions conveying that a speaker means to commit an act of unlawful violence.” *Counterman v. Colorado*, 660 U.S. 66, 74 (2023). In determining the standard regarding whether a statement is protected speech under the true threats doctrine, I would look for the applicable binding Supreme Court and Eighth Circuit precedent that most closely mirrors the facts before me.

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

Response: The Fifth and Fourteenth Amendments to the U.S. Constitution provide, respectively, that “no person shall be . . . deprived of life, liberty or property, without due process of law” and that no State “shall . . . deprive any person of life, liberty, or property, without due process of law.” The Supreme Court states that the due process clause applies to “all ‘persons’ within the United States, including aliens, whether their presence here is lawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). If confirmed, as a district court judge, I would faithfully apply the relevant binding Supreme Court and Eighth Circuit precedents. Beyond that, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on any pending or impending litigation or forecast how I might rule in any particular case. *See*

Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: Because this question asks about matters that are pending or impending in any court, under the Code of Conduct of U.S. Judges and the Missouri Code of Judicial Conduct, as a sitting state court judge and district court nominee, it is impermissible for me to answer the question. *See, e.g.*, Code of Conduct of U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.

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

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

Response: Because this question asks about matters that are pending or impending in any court, under the Code of Conduct of U.S. Judges and the Missouri Code of Judicial Conduct, as a sitting state court judge and district court nominee, it is impermissible for me to answer the question. *See, e.g.*, Code of Conduct of U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.

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 30(a).

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

Response: No person should be denied the opportunity to serve in the judicial branch because of their race, religion, national origin, ethnicity, sex, or any other characteristic protected by law. Further, the federal bench contains judges with differing professional backgrounds and life experiences, which enriches its professional diversity.

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

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

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

Response: If I am so fortunate to be confirmed, I will faithfully apply the *First Step Act* and any applicable binding Supreme Court and Eighth Circuit precedent.

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

Response: Yes

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

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

Response: I am not familiar with the above statement or its context. Due to my unfamiliarity, I cannot comment on what is meant by 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.⁴

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

Response: Because the question calls for a response that requires me to express an opinion on a political matter, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on this issue. See Code of Conduct of U.S. Court Judges, Canon 5; Missouri Code of Judicial Conduct, Rule 2.

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

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

Response: Because the question calls for a response that requires me to express an opinion on a political matter, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on this issue. *See Code of Conduct of U.S. Court Judges, Canon 5; Missouri Code of Judicial Conduct, Rule 2.*

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

Response: I am a member of many different legal and civic associations. If I am so fortunate to be confirmed, I will comply with the Code of Conduct for U.S. Judges when reviewing my memberships.

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

Response: I am not aware of whether any given person is “associated with the Federalist Society.” As I understand it, the Federalist Society has thousands of members. I interact with many lawyers on a daily basis, some of whom could be associated with the Federalist Society, and have spoken with many of them about my selection process generally. I have not spoken with or corresponded with Leonard Leo or Steven G. Calabresi during 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: I have attended events sponsored by the Federalist Society but have never been asked to provide any of the aforementioned services.

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

Response: No.

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

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

Response: I am not aware of who is “associated with the Teneo Network.” With that said, no, not to my knowledge.

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

Response: No.

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

Response: No.

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

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

Response: I am not aware of who is “associated with the Heritage Foundation or Heritage Action.” With that said, no, not to my knowledge.

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

Response: No.

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

Response: No.

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

Response: No.

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

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

Response: I am not aware of who is “associated with AFPI.” That being said, no, not to my knowledge.

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

Response: No.

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

Response: No.

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

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

Response: I am not aware of who is “associated with AFLI.” That being said, no, not to my knowledge.

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

Response: No.

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

Response: No.

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

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

Response: I am not aware of who is “associated with the Article III Project.” That being said, no, not to my knowledge.

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

Response: No.

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

Response: No.

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

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

Response: I am not aware of who is “associated with ADF.” That being said, no, not to my knowledge.

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

Response: No.

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

Response: No.

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

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

Response: I am not aware of who is “associated with” the aforementioned organizations. That being said, no, not to my knowledge.

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

Response: No.

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

Response: No.

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

Response: I am not aware of what, if any, outside groups or special interests might be making donations to support my nomination. If any such donations exist, they will be irrelevant to my decision-making as a judge. To the extent that the question is asking me to comment on a policy or political matter, I do not believe that it is appropriate for me, as a sitting state court judge and a district court nominee, to offer an opinion. *See Code of Conduct of U.S. Court Judges, Canon 5; Missouri Code of Judicial Conduct, Rule 2.*

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

Response: Please see my response to question 40(d). If confirmed, I will address all actual or potential conflicts of interest pursuant to 28 U.S.C. § 455, the Code of Conduct for United States Judges and its judicial canons, and any other laws, rules, and practices governing the circumstances.

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

Response: Please see my response to question 40(e).

**Nomination of Megan Benton to the
United States District Court for the Western District of Missouri
Questions for the Record
Submitted December 29, 2025**

QUESTIONS FROM SENATOR COONS

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

Response: Yes.

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

Response: Yes.

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 received these questions, drafted responses, and shared the draft responses with the Department of Justice Office of Legal Policy. After receiving their feedback, I finalized the answers for submission.

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

Response: I believe that each nominee should answer the questions to the best of their ability, taking their individual experiences and opinions into consideration when answering.

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

Response: I reviewed others' public answers to the questions to determine the appropriate format and length.

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

Response: No, not to my knowledge.

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

Response: No.

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

Response: No.

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

Response: My role models in the legal profession include the judges for whom I clerked – Judge Barbara M. Scheper and the late Judge Ralph W. Dau on the Los Angeles County Superior Court.

6. How would you describe your judicial philosophy?

Response: A judge should impartially and fairly apply the law as it is written – not as the judge believes the law should be written – to the facts before her. A trial court judge is bound by Supreme Court and appellate court precedent. A judge should treat all who appear before her with respect, and expeditiously issue orders and judgments.

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

Response: If confirmed, when determining whether a right is fundamental and protected, I would look at binding Supreme Court and circuit court precedent and faithfully apply the standards set forth in the applicable cases.

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

Response: If confirmed, I would look at binding Supreme Court and circuit court precedent and faithfully apply the standards set forth in the applicable cases.

- 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: If confirmed, I would look at binding Supreme Court and circuit court precedent and faithfully apply the standards set forth in the applicable cases. I would follow the guidance provided in those cases as to what types of sources to consult to determine whether a right is deeply rooted in this nation's history and tradition. Beyond that, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on any pending or impending litigation or forecast how I might rule in any particular case. *See Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.*

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

Response: Yes, if confirmed, I would look at binding Supreme Court and circuit court precedent and faithfully apply the standards set forth in the applicable cases. If neither the Supreme Court nor the Eighth Circuit has spoken on the issue before me, I could look at other circuit court decisions for their persuasive value.

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

Response: Yes.

- e. What other factors would you consider?

Response: If confirmed, as a district court judge, I would consider any other factor identified by the relevant Supreme Court or Eighth Circuit precedents.

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

Response: If confirmed, as a district court judge, it would be my duty to research the applicable law, consider the parties' arguments, and apply the facts before me to the applicable law. Beyond that, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on any pending or impending litigation or forecast how I might rule in any particular case. *See Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.*

9. Is President Trump eligible to be elected President for a third term in 2028? Assume that I know what the text of the 22nd Amendment says. I am interested in your application of that text to whether or not President Trump can be elected President in 2028.

Response: The 22nd Amendment to the U.S. Constitution states that “[n]o personal shall be elected to the office of the President more than twice.” To the extent that this is asking for an opinion on a political or policy issue, as a sitting state court judge and district court nominee, I cannot opine further on this issue under the Code of Conduct for U.S. Judges and its judicial canons and the Missouri Code of Judicial Conduct. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2.

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

Response: Generally speaking, every four years, the U.S. House of Representatives and the U.S. Senate meet in a joint session where they verify and count the electoral votes for President and Vice President. The President of the Senate typically announces or declares the final result. This joint session is often referred to as “certifying” the election.

11. At your Senate Judiciary Committee nomination hearing, Senator Blumenthal asked you who won the popular vote and the electoral college in the 2020 election. You replied that “Joseph Biden was declared the victor.”

- 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: No.

- 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 *declared* the winner when asked about who *won* the 2020 election.

Response: No. I based my answer on my understanding of the electoral process, as further detailed above in question 10. Further, because there is pending or impending litigation regarding the conduct of the 2020 presidential election, my response was consistent with my ethical obligations under the Code of Conduct of U.S. Judges and its judicial canons and the Missouri Code of Judicial Conduct. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5; Missouri Rule 2-2.10.

12. 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: In deciding whether to recuse myself from a case, I would consult the guidance provided by 28 U.S.C. § 455, the Code of Conduct for United States Judges and its canons, and any applicable law, rules, and practices governing the circumstances.

13. You note in your Senate Judiciary Questionnaire that you served as Committeewoman for the Platte County Republican Central Committee from 2016 through 2021, which on its website applauds donations “to support the conservative principles of personal responsibility, limited government, low taxes, and the right to life.” In your 2024 retention election, you were endorsed by the Missouri Right to Life PAC, which “strives to elect pro-life candidates at the state and the federal levels.” In your Questionnaire, you write that you have sought to disqualify yourself “in any case where [your] impartiality might reasonably be questioned.”

- a. Would you agree that your service for the Platte County Republican Central Committee and endorsement by the Missouri Right to Life PAC create at least the appearance of partiality with respect to cases involving reproductive healthcare procedures like abortion?

Response: Both the appearance of impartiality and actual impartiality are essential to maintaining public confidence in our justice system. I currently follow and comply with the Missouri Code of Judicial Conduct regarding recusals, which is very similar to the federal guidelines on recusals. If confirmed, I will address all actual or potential conflicts by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges and its canons, and any other applicable laws, rules, and practices governing the circumstances.

- b. Are you currently recusing yourself from cases involving reproductive healthcare procedures?

Response: As discussed above, I currently follow and comply with the Missouri Code of Judicial Conduct regarding recusals and recuse myself when appropriate.

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

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

14. Canon 5 of the Code of Conduct for federal judges says that judges should refrain from all political activity. If confirmed, do you plan to discontinue any relationship you may have with the Platte County Republican Central Committee or other political organizations?

Response: Since becoming a judge in 2021, I have not served on the Platte County Republican Central Committee or any other political organization. I have followed and complied with the Missouri Code of Judicial Conduct regarding political activity and, if

confirmed, will follow and comply with Canon 5 of the Code of Conduct for United States Judges.

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

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

Response: Yes.

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

Response: Yes.

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

Response: Yes.

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

Response: If confirmed, as a district court judge, it would be my duty to research the applicable law, consider the parties' arguments, and apply the facts before me to the applicable law. Beyond that, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on any pending or impending litigation or forecast how I might rule in any particular case. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.

17. 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 “[f]reedom to travel throughout the United States has long been recognized as a basic right under the Constitution.”

Attorney Gen. of New York v. Soto-Lopez, 476 U.S. 898, 902 (1986) (quoting *Dunn v. Blumstein*, 405 U.S. 330, 338 (1972)).

- 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: If confirmed, as a district court judge, it would be my duty to research the applicable law, consider the parties’ arguments, and apply the facts before me to the applicable law. Beyond that, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on any pending or impending litigation or forecast how I might rule in any particular case. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: The Supreme Court has recognized a constitutional right to privacy in certain situations. *See, e.g., Eisenstadt v. Baird*, 405 U.S. 438, 453 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965).

- 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 extended constitutional protection to the use of contraceptives. *See Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Griswold v. Connecticut*, 381 U.S. 479 (1965). If confirmed, as a district court judge, I would faithfully apply all binding Supreme Court and Eighth Circuit precedent on the matter.

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

Response: If confirmed, as a district court judge, I would look to the applicable Supreme Court and Eighth Circuit precedent to determine how to analyze a legal issue like this. Whether the public’s original understanding of the meaning of a constitutional provision constrains its application later would depend on the constitutional provision at issue, the applicable law concerning that constitutional provision, the facts of the case before me, and an application of the relevant, binding law to the facts of that case.

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

Response: Please see my response to question 19. Beyond that, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on any pending or impending litigation or forecast how I might rule in any particular case. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: The Fifth and Fourteenth Amendments to the U.S. Constitution provide, respectively, that "no person shall be . . . deprived of life, liberty or property, without due process of law" and that no State "shall . . . deprive any person of life, liberty, or property, without due process of law." The Supreme Court states that the due process clause applies to "all 'persons' within the United States, including aliens, whether their presence here is lawful, temporary, or permanent." *Zadydas v. Davis*, 533 U.S. 678, 693 (2001). If confirmed, as a district court judge, I would faithfully apply the relevant binding Supreme Court and Eighth Circuit precedents. Beyond that, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on any pending or impending litigation or forecast how I might rule in any particular case. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: In determining what to do if a party refuses to comply with one of my orders, I would research the applicable law and apply the facts before me to the law.

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

Response: In determining whether a party was engaging in any abusive litigation tactics, I would research the applicable law and apply the facts before me to the law.

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

Response: Please see my response to question 22.

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

Response: A trial judge's duty is to apply the applicable law to the facts before her. Whether the practical consequences of a particular ruling should play into a judge's rendering of a decision depends on the relevant law and the particular facts of each case.

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

Response: A judge's personal life experiences will hopefully provide her with an ability to be fair and impartial in her rulings, treat all parties with respect, and approach her work with integrity, diligence, and thoroughness.

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

Response: A judge's ability to understand others will hopefully help her be patient with parties and treat everyone appearing before her with respect.

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

Response: I am most proud of my work in *State of Missouri v. R.W.* (2014), my first time first-chairing a criminal jury trial. During that trial, I assisted with voir dire, delivered an opening statement, conducted direct and cross examinations of witnesses, and gave a closing argument to the jury. First-chairing a jury trial provided me with invaluable litigation experience, highlighting the importance of our jury trial process.

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

Response: Having speaking opportunities as a junior lawyer can help to improve essential litigation skills and increase confidence. I am happy to consider any requests by any party to hold a hearing and give any attorney requesting the hearing an opportunity to argue the case in front of me.

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

Response: Currently, I welcome the opportunity for any junior lawyer to appear before me and argue their case. As with any attorney appearing before me, I aim to treat them with respect and patience.

28. Discuss your proposed hiring process for law clerks.

Response: If I am fortunate enough to be confirmed as a district court judge, I would aim to hire well-qualified individuals who understand the importance of public service and preserving the integrity of the judiciary.

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

Response: Whether law clerks should be protected by Title VII calls for a legal conclusion that, as a sitting state court judge and district court nominee, I cannot opine on consistent with my ethical obligations under the judicial canons. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10. Notwithstanding that, in general, I will not condone discrimination in my chambers.

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

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

Response: If confirmed, I will not tolerate harassment, discrimination, or other forms of misconduct in my chambers. Before deciding on any particular trainings or policies, I would review any and all existing and available policies and programs in the Western District of Missouri and consult with my colleagues about their practices and procedures.

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

Response: Please see my response to question 29(a).

- 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: Generally, I would take any steps necessary or recommended and make sure to alert the appropriate authorities if warranted. Further, I would review any and all existing and available policies on the subject in the Western District of Missouri.

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

Response: The characterization of the events on January 6, 2021, is a subject of political debate and is involved in pending or impending litigation that could come before me if I am so fortunate to be confirmed. Accordingly, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on any political issues, comment on any pending or impending litigation, or forecast how I might rule in any particular case. *See, e.g.*, Code of Conduct for U.S. Judges, Canon 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: Please see my response to question 30. Because cases involving the events of January 6, 2021, are currently pending in federal courts and may continue to be filed, it is impermissible for me to answer this under the judicial canons.

31. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned? I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

Response: This question asks for an opinion on political matters or cases that could come before me as a judge; accordingly, as a sitting state court judge and a district court nominee, it is impermissible for me to answer the question. *See, e.g.*, Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: Please see my response to question 31.

Questions for the Record for Megan Blair Benton
Submitted by Senator Richard Blumenthal
December 22, 2025

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: Both the appearance of impartiality and actual impartiality are essential to maintaining public confidence in our justice system. I currently follow and comply with the Missouri Code of Judicial Conduct regarding recusals, which is very similar to the federal guidelines on recusal. If confirmed, I will address all actual or potential conflicts by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges and its canons, and any other applicable laws, rules, and practices governing the circumstances.

- a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

Response: Please see my response to question 1.

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

Response: Please see my response to question 1.

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

Response: Please see my response to question 1.

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

Response: If confirmed, I will faithfully comply with the Code of Conduct for United States Judges and its judicial canons, and any other applicable laws, rules, and obligations governing judicial conduct.

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

Response: Please see my response to question 2.

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

Response: Please see my response to question 2.

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

Response: Please see my response to question 2.

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

Response: If confirmed I will abide by all applicable laws, statutes, rules, or practices concerning filing complete and accurate financial disclosure reports.

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

Response: If confirmed, I will comply with 28 U.S.C. § 455, the Code of Conduct for United States Judges and its judicial canons, and any other applicable laws and rules governing such conduct.

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

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

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

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

- 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: In *Ex parte Robinson*, the Supreme Court said that the contempt power is “inherent in all courts” and “its existence is essential to the preservation of order in judicial proceedings . . . and consequently to the due administration of justice.” 86 U.S. 505, 510 (1873). If I am so fortunate to be confirmed, as a district court judge, I would be bound by Supreme Court precedent and would faithfully follow *Ex parte Robinson*, as well as all other binding Supreme Court and circuit court precedent. To the extent that this question is asking me to express an opinion on a matter that could come before me as a judge, it is impermissible for me to do so under the Code of Conduct for United States Judges and its judicial canons. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

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

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

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

Response: Yes.

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

Response: In determining whether I had the ability to enforce an order, I would consider the applicable law and apply the facts before me to the law.

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

Response: In determining the power I would have to enforce the orders, I would consider the applicable law and apply the facts before me to the law.

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

Response: Generally, there are procedural mechanisms and safeguards in place for parties who disagree with a court's order. These procedural mechanisms and safeguards include, but are not limited to, an appeal of the order, a motion for reconsideration, or a request for a stay of the order. Because this matter is currently being litigated, as a sitting state court judge and a district court nominee, it is impermissible for me to further opine on this issue under the Code of Conduct for United States Judges and its judicial canons. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.

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: Because this question calls for a legal conclusion, as a sitting state court judge and a district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial canons and the Missouri Code of Judicial Conduct. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5, Missouri Code of Judicial Conduct, Rule 2.

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

Response: As discussed in my response to question 5(b), generally, there are procedural mechanisms and safeguards in place for parties who disagree with a court's order. These procedural mechanisms and safeguards include, but are not limited to, an appeal of the order, a motion for reconsideration, or a request for a stay of the order. As a sitting court judge and district court nominee, any further opinion about what a party "should" do is improper under my ethical obligations. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2.

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

Response: Please see my response to question 5(d)(i). Beyond that, this question concerns pending or impending litigation and as a sitting state court judge and a district court nominee, I cannot opine or comment on this issue. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: No.

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

Response: No.

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

**Nomination Hearing
Questions for the Record for Megan Blair Benton**

1. As part of my responsibility as a member of this committee to ensure the fitness of nominees, I ask each nominee to answer two initial questions:
 - a. **Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**

Response: No.
 - b. **Have you ever faced discipline or entered into a settlement related to this kind of conduct?**

Response: No.

Nomination of Megan Benton
United States District Court for the Western District of Missouri
Questions for the Record
Submitted December 26, 2025

QUESTIONS FROM SENATOR BOOKER

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, “[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA.”¹

- a. Do you agree with AG Bondi that “the ABA no longer functions as a fair arbiter of nominees’ qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations”?

Response: As a sitting state court judge and district court nominee, it is inappropriate for me to express an opinion or comment on any political or policy issues. *See* Code of Conduct for U.S. Judges, Canons 2, 3, 5; Missouri Rule 2, sub. 2.2-2.4, 2.10-2.11.

2. If this Committee were to establish that a sitting federal judge knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: As a sitting state court judge and district court nominee, it is inappropriate for me to comment on any matter which may come before me as a judge. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Rule 2-2.10.

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

Response: As a sitting state court judge and district court nominee, it is inappropriate for me to comment on any matter which may come before me as a judge. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6); Missouri Rule 2-2.10.

4. How would you characterize your judicial philosophy?

¹ Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), <https://www.justice.gov/ag/media/1402156/dl?inline>.

Response: A judge should impartially and fairly apply the law as it is written – not as the judge believes the law should be written – to the facts before her. A trial court judge is bound by Supreme Court and appellate court precedent. A judge should treat all who appear before her with respect, and expeditiously issue orders and judgments.

5. What do you understand originalism to mean?

Response: Generally, I understand originalism to be a constitutional interpretation theory where a judge examines the original public meaning of the Constitution or text at the time it was enacted or ratified.

6. Do you consider yourself an originalist?

Response: A judge should fairly and impartially apply the law as it is written, giving the law, statute, or text its meaning when it was enacted or ratified. If confirmed, I would follow all Supreme Court and circuit court precedent and employ methodologies consistent with its cases. The Supreme Court has routinely interpreted various constitutional provisions by examining the original public meaning of the Constitution or text at the time it was enacted or ratified. *See, e.g., United States v. Rahimi*, 602 U.S. 680 (2024); *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022); *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008).

7. What do you understand textualism to mean?

Response: Generally, I understand textualism to be a statutory interpretation theory where a judge interprets the text as it was written and understood at the time it was enacted or ratified.

8. Do you consider yourself a textualist?

Response: A judge should look to the text of any statute, law, or regulation as it was written and understood at the time of its enactment or ratification to discern its meaning. As discussed in my response to question 6, if confirmed, I would follow all Supreme Court and circuit court precedent and employ methodologies consistent with its cases.

9. 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: Under Article I and Article II of the U.S. Constitution, enactment of a law requires the constitutionally prescribed process of bicameralism and presentment.

Generally, legislative history has not undergone that constitutionally prescribed process and is not enacted as law. A judge's duty is to apply the law as it is written, not as she

believes it should be written. If confirmed, I would faithfully apply all relevant Supreme Court and circuit court precedent concerning the use of legislative history.

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

Response: As discussed in my response to question 9(a), a judge's duty is to apply the law as it is written, not as she believes the law should be written. The Supreme Court has instructed that "the statutory text . . . best reflects Congress's intent." *Republic of Hungary v. Simon*, 604 U.S. 115, 137 (2025). A judge should not speculate about Congress's intent when the actual text is clear. *See Oklahoma v. Castro-Huerta*, 597 U.S. 629, 642 (2022) (stating that the statutory text controls over purported legislative intentions).

10. 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.²

a. What do you attribute this to?

Response: I am not familiar with this study, its methodologies, any statistical analyses, or ultimate findings. I cannot, therefore, offer any assessment of causation.

11. 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.³

a. What do you attribute this to?

Response: I am not familiar with this study, its methodologies, any statistical analyses, or ultimate findings. I cannot, therefore, offer any assessment of causation.

12. 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: Section 18 U.S.C. § 3553(a) lays out factors that a judge shall consider when sentencing a defendant. The court must follow these enumerated factors and is ultimately responsible for determining the appropriate sentence. A person's race should not factor into a judge's ultimate sentencing decision.

² Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

³ 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.

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

Response: No person should be denied a judicial branch position because of their race, religion, national origin, ethnicity, sex, or any other characteristic protected by law.

14. Please 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, please attach a copy or link to the materials and please 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 my knowledge, I have never published written material or made any public statements regarding any of the aforementioned topics.

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

Response: Generally, there are procedural mechanisms and safeguards in place for parties who disagree with a court’s order. These procedural mechanisms and safeguards include, but are not limited to, an appeal of the order, a motion for reconsideration, or a request for a stay of the order. Because this matter is currently being litigated, as a sitting state court judge and a district court nominee, it is impermissible for me to further opine on this issue under the Code of Conduct for United States Judges and its judicial canons and the Missouri Code of Judicial Conduct. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.

- 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: In determining whether contempt is appropriate, I would consider the applicable law and apply the facts before me to the law.

- ol style="list-style-type: none;">- 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? Please provide each one and the justification.

Response: Generally, there are procedural mechanisms and safeguards in place for parties who disagree with a court's order. These procedural mechanisms and safeguards include, but are not limited to, an appeal of the order, a motion for reconsideration, or a request for a stay of the order. Because this matter is currently being litigated, as a sitting state court judge and district court nominee, it is impermissible for me to further opine on this issue under the Code of Conduct for United States Judges and its judicial canons and the Missouri Code of Judicial Conduct. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: The Constitution vests the President with the authority to veto legislation passed by Congress. Article I, § 7, Cl. 2. The Constitution also requires that the President "take Care that the Laws be faithfully executed." Article II, § 3. Beyond that, because this matter is currently being litigated, as a district court nominee, it is impermissible for me to further opine on this issue under the Code of Conduct for United States Judges and its judicial canons. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5.

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

Response: If confirmed, as a district court judge, I would follow the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975) and the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.* Beyond that, because this matter is currently being litigated, as a district court nominee, it is impermissible for me to further opine on this issue under the Code of Conduct for United States Judges and its judicial canons. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5.

18. 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 17.

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

Response: Article VI of the Constitution states: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” In *Armstrong v. Exceptional Child Ctr., Inc.*, the Supreme Court held that Article VI “creates a rule of decision: Courts ‘shall’ regard the ‘Constitution,’ and all laws ‘made in Pursuance thereof,’ as ‘the supreme Law of the Land.’ They must not give effect to state laws that conflict with federal laws.” 575 U.S. 320, 324 (2015). If confirmed, as a district court judge, I would faithfully follow all Supreme Court precedent on the subject, including *Armstrong*.

20. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: Because this matter is currently being litigated, as a sitting state court judge and district court nominee, it is impermissible for me to further opine on this issue under the Code of Conduct for United States Judges and its judicial canons and the Missouri Code of Judicial Conduct. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: Generally, the Supreme Court has held that it is constitutional for Congress to delegate rulemaking authority to federal agencies, provided that Congress “set[s] out an intelligible principle to guide what it has given the agency to do.” *FCC v. Consumers’ Rsch.*, 606 U.S. 656, 657 (2025). If I am so fortunate to be confirmed as a district court judge, I would follow all binding Supreme Court and circuit court precedent on the subject. Beyond that, because this matter is currently being litigated, as a district court nominee, it is impermissible for me to further opine on this issue under the Code of Conduct for United States Judges and its judicial canons. *See, e.g.*, Code of Conduct for U.S. Judges, Canon 3(A)(6).

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

Response: Yes, *Brown v. Board of Education* was correctly decided. While it is generally improper for judicial nominees to give an opinion about whether Supreme Court precedent was correctly decided, nominees have historically excepted *Brown v. Board of Education* and *Loving v. Virginia*. Because of this practice, I believe that it is appropriate for me to offer my views on *Brown* and *Loving*.

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

Response: Yes, *Griswold v. Connecticut* is binding precedent. In *Griswold*, married

individuals who were prescribed contraceptives were penalized under a state statute that prohibited assisting or abetting another's use of contraceptives. The Supreme Court held that that the statute regulated conduct "within the zone of privacy created by several fundamental constitutional guarantees" and that it violated a "right to privacy" the Court found to be within the Constitution. 381 U.S. 479, 485-86 (1965).

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

Response: Yes, *Lawrence v. Texas* is binding precedent. *Lawrence* dealt with a Texas law criminalizing certain same-sex sexual acts. The Supreme Court held that the Texas laws at issue violated the appellant's "right to liberty under the Due Process Clause," which gave them "the full right to engage in their conduct without intervention of the government." *Lawrence v. Texas*, 539 U.S. 558, 578 (2003).

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

Response: Yes, *Obergefell v. Hodges* is binding precedent. In *Obergefell*, same-sex couples claimed that their respective state officials "violate[d] the Fourteenth Amendment by denying them the right to marry or to have marriages lawfully performed in another State given full recognition." 576 U.S. 644, 644 (2015). The Supreme Court held "that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character." *Id.* at 681.

26. 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.

Response: President Biden was certified as the winner of the 2020 presidential election and served a term as the 46th President of the United States. Because this matter involves political disputes or controversies on which I cannot comment, as a sitting state court judge and district court nominee, it is impermissible for me to further opine on this issue under the Code of Conduct for United States Judges and its judicial canons and the Missouri Code of Judicial Conduct. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2-2.10.

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

Response: Please see my response to question 26.

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

Response: Please see my response to question 26.

27. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”⁴

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

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

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

Response: Please see my response to question 27(a).

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

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

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

Response: Please see my response to question 27(c).

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

Response: The 22nd Amendment to the U.S. Constitution states that “[n]o person shall be elected to the office of the President more than twice.” To the extent that this is asking for an opinion on a political or policy issue, as a sitting state court judge and district court nominee, I cannot opine further on this issue under the Code of Conduct for U.S. Judges and its judicial canons and the Missouri Code of Judicial Conduct. *See, e.g.*, Code of Conduct for U.S. Judges, Canons 3(A)(6), 5; Missouri Code of Judicial Conduct, Rule 2.

28. 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: While I have received general guidance from the Department of Justice Office of Legal Policy regarding the process, I have made my own decisions about whether I should opine on whether any past Supreme Court decisions were correctly decided.

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

⁴ U.S. CONST. amend. XXII.

Response: No.

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

Response: No, not to my knowledge.

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

Response: No.

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

Response: No.

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

Response: No.

34. 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: No.

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

Response: No.

36. 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.

37. 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.

38. 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.

39. 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, not to my knowledge.

40. 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.

41. 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.”⁵

- a. Do you agree with the above statement?

Response: I am not familiar with the above statement or its context. Because the question calls for a response that requires me to express an opinion on a political matter, as a sitting state court judge and a district court nominee, it is impermissible for me to

⁵ <https://www.article3project.org/about>

opine on this issue. *See* Code of Conduct of U.S. Court Judges, Canon 5; Missouri Code of Judicial Conduct, Rule 2.

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

Response: I am not aware of who is “associated with A3P.” With that said, no, not to my knowledge.

- c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: I am not aware of who is “associated with A3P.” With that said, no, not to my knowledge.

- d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: I am not aware of who is “associated with A3P.” With that said, no, not to my knowledge.

42. 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: During the nomination process, I have received general guidance from the Department of Justice Office of Legal Policy about how to complete the SJQ. I made my own decisions about which cases to list on my SJQ.

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

Response: Please see my response to question 43.

- 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 43.

43. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: I am not aware of who is “directly associated with the Article III Project,” but no, not to my knowledge.

44. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: I am not aware of whether any given person is “associated with the Federalist Society.” As I understand it, the Federalist Society has thousands of members. I interact with many lawyers on a daily basis, some of whom could be associated with the Federalist Society, and have spoken with some of them about my selection process generally.

45. Please 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 received these questions, drafted responses, and shared the draft responses with the Department of Justice Office of Legal Policy. After receiving their feedback, I finalized the answers for submission.