

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Justin Ross Olson
Nominee to be U.S. District Judge for the Southern District of Indiana
December 29, 2025

1. You currently represent a group of female college athletes, including conservative activist Riley Gaines, in a challenge to the National Collegiate Athletic Association's (NCAA) transgender eligibility policies.

- a. Ms. Gaines previously called the University of Pennsylvania “a dogshit elitist institution full of woke r*tards.” Will you condemn this statement?**

Response: I am not aware of this purported statement, and I prefer not to comment on a purported statement of which I am unaware and for which I lack the full context. Further, as I am actively involved in litigation involving Ms. Gaines and the University of Pennsylvania and Ms. Gaines is a client of my law firm, it would not be appropriate for me to comment on this purported statement under the ethics rules that apply to lawyers and under the judicial canons. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

- b. Ms. Gaines previously claimed that a transgender woman wearing women's clothing was “akin to blackface.” Will you condemn this statement?**

Response: I am not aware of this purported statement, and I prefer not to comment on a purported statement of which I am unaware and for which I lack the full context. Further, as I am actively involved in litigation involving Ms. Gaines and Ms. Gaines is a client of my law firm, it would not be appropriate for me to comment on this purported statement under the ethics rules that apply to lawyers and under the judicial canons. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

- c. Ms. Gaines previously claimed that anti-discrimination protections for transgender individuals “really [are] an attempt to normalize pedophilia.” Will you condemn this statement?**

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

- d. On multiple occasions, Ms. Gaines's social media posts have led to threats and harassment against young students. Were you aware that her posts about a transgender student winning a homecoming queen title led to death threats against that individual and other high school students? Will you condemn such death threats?**

Response: I am not aware of Ms. Gaines's social media posts described in this question nor am I aware of the circumstances described in this question. I prefer

not to comment on purported statements and circumstances of which I am unaware and for which I lack the full context. Further, as I am actively involved in litigation involving Ms. Gaines and Ms. Gaines is a client of my law firm, it would not be appropriate for me to comment on this purported statement under the ethics rules that apply to lawyers and under the judicial canons. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

- e. **Have you ever advised Ms. Gaines against the use of inflammatory rhetoric? If not, why not?**

Response: Any of my communications with Ms. Gaines are generally protected by the attorney-client privilege or the work-product protections and it would not be appropriate for me to reveal whether I offered any advice to her. Further, as I am actively involved in litigation involving Ms. Gaines and Ms. Gaines is a client of my law firm, it would not be appropriate for me to respond to this question under the ethics rules that apply to lawyers and under the judicial canons. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

2. **In 2010, you published a piece discussing the history of redlining in America. You wrote, “Is greed any better than racism? Wealth for its own sake is no more justifiable than racial homogeneity.” What did you mean by this statement?**

Response: In 2010, I wrote a book review of Beryl Satter’s *Family Properties: Race, Real Estate, and the Exploitation of Black Urban America* that was published in my undergraduate college’s literary magazine, *The Quad*, under the title *It’s Simpler Than You Might Think*. The primary purpose of this book review was to summarize the arguments of historian Beryl Satter regarding her understanding of exploitative real estate lending practices in black urban communities that were rooted in racism and their long-term impacts on black urban communities. In summarizing these arguments, I noted that, like racism, greed is immoral and can also influence real estate lending practices; we should recognize this motive and its impact when it is present.

3. In 2010, you published a book review of Scott Mattheson’s *Presidential Constitutionalism in Perilous Times*.

- a. **You argued that “the President must limit himself by seeking out Congressional support and by respecting Judicial Review during national crises.” Do you still believe that the president must respect judicial review, even during times of national crisis?**

Response: In 2010, I wrote a book review of Scott Mattheson’s *Presidential Constitutionalism in Perilous Times* that was published in my undergraduate college’s literary magazine, *The Quad*, under the title *Upon the King?!?*. The primary purpose of the book review was to summarize the arguments of Scott Mattheson, about how United States Presidents have exercised their authority in unprecedented times of national crisis. The quotation in Question 3.a. was my

attempt to summarize Mattheson's view of what President's ought to do in such times, not a statement of my personal belief. Here is the quotation in full context:

Mattheson's interpretation of the division of labor between the governmental branches forces him to place a heavy burden on the conscience of the President. The President must limit himself by intentionally seeking out Congressional support and by respecting Judicial Review during national crises. When necessity behooves him to act prior to Congressional sanction, the president himself must burden his own conscience with the need to seek retroactive judgment from Congress.

- b. You also called for “a renewed commitment to congressional watchfulness over Presidential ambition. We might call it Congressional constitutionalism, and at the very least it would not shove the burden of constitutional fidelity upon the shoulders of one man.” What did you mean by this statement?**

Response: I wrote this book review before going to law school. The quotation in Question 3.b reflected my general understanding as a Senior in college of the importance of our Constitution's separation of powers and that all three branches of government should be engaged in any national crises within the scope of their enumerated powers. To the extent that this question asks me to opine on my personal views about the political branches' exercise of their enumerated powers, it is inappropriate for a nominee for federal district judge to offer any commentary on political issues or to weigh in on how a political branch of government may decide how to fulfill its enumerated powers. *See* Code of Conduct of U.S. Judges, Canon 5.

4. In your Senate Judiciary Questionnaire, you discussed your work on the case *United States ex rel Fischer v. Community Health Network, Inc.* and stated you “actively litigated the case through discovery and motions practice.”

- a. Did you personally argue any motions in *United States ex rel Fischer v. Community Health Network, Inc.*?**

Response: I recall speaking on behalf of the United States at a status conference before one of the Magistrate Judges on at least one occasion.

- b. Did you personally draft any substantive pleadings in *United States ex rel Fischer v. Community Health Network, Inc.*?**

Response: Yes.

5. According to your Questionnaire, after you submitted your application for the vacancy on the U.S. District Court for the Southern District of Indiana, you completed several rounds of interviews with the White House and home-state Senators and their staffs.

- a. **At any point in the interview process, were you asked to share your views on the January 6, 2021, attack on the U.S. Capitol? If so, please disclose who posed any such questions and detail your response.**

Response: No.

- b. **At any point in the interview process, were you asked to share your views on the legitimacy of the results of the 2020 election? If so, please disclose who posed any such questions and detail your response.**

Response: No.

- c. **At any point in the interview process, were you asked to share how you might decide hypothetical cases or issues? If so, please disclose who posed any such questions and detail your response.**

Response: No.

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

Response: President Trump was not certified the winner of the 2020 election.

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

Response: I was at my home in Indianapolis, Indiana.

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

Response: I am aware that pardons have been issued for individuals prosecuted for actions taken at the Capitol building on January 6, 2021, and that the effect of these pardons is being litigated. Further, the characterization of the events that occurred at the Capitol building on January 6, 2021, have been litigated in federal court and is the subject of political controversy. Accordingly, it would not be appropriate for me to respond to this question. *See* Code of Conduct of U.S. Judges, Canon 3A(6), 5.

9. **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: The President has the exclusive discretion to issue pardons under the United States Constitution. It is inappropriate for a nominee for federal district judge to offer any personal commentary on a particular political official's exercise of authority. *See* Code of Conduct of U.S. Judges, Canon 5. Further, I am aware that pardons have been issued for

individuals prosecuted for actions taken at the Capitol building on January 6, 2021, and that the effect of these pardons are being litigated. Accordingly, it would not be appropriate for me to respond to this question. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

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

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

Response: Generally, the normal course for litigants who disagree with a court order is – depending on the procedural posture of the case and the nature of the relief granted or denied – to seek an immediate stay of the lower court’s decision or seek immediate appellate relief in the form of an injunction pending appeal, stay of the lower court’s decision pending appeal, or a standard appeal.

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

Response: It is my understanding that a litigant, under very narrow circumstances, may lawfully decide not to follow an order from a lower federal court with which it is impossible to comply, requires divulging privileged information before all appeals have been exhausted, or for which the lower court lacked jurisdiction to enter the order. *E.g., Shillitani v. United States*, 384 U.S. 364, 371 (1966) (“[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court’s order.” (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948))); *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“[A] long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. . . . Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.”); *In re Sawyer*, 124 U.S. 200, 220 (1888) (explaining that if a Court act without jurisdiction, “its judgments and orders are regarded as nullities. They are not voidable, but simply void.” (internal quotations omitted)); *see also* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008) (same).

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 judiciary has the responsibility for determining the lawfulness of government action. *See also Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).

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

a. Are non-party injunctions constitutional?

Response: The Supreme Court recently addressed the issue of universal injunctions in *Trump v. CASA*, 606 U.S. 831 (2025), which held that “[a] universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power.” *Id.* at 841. This case was decided on statutory and not constitutional grounds. Accordingly, the issue of the constitutionality of universal injunction – or non-party injunctions – is a live issue that is likely to be litigated in the future. Accordingly, it would not be appropriate for me to respond further to this question. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

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

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

12. 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.

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

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

14. 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” “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”?**

Response: It is inappropriate for a nominee for federal district judge to offer any commentary on political issues or a particular political official’s statements or to weigh in on pending litigation. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6), 5.

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

Response: Please see my response to Question 14.a.

15. 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”?**

Response: Please see my response to Question 14.a.

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

Response: Please see my response to Question 14.a.

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

Response: Please see my response to Question 14.a.

16. 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 that directly applies to a claim or issue.

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

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

Response: A circuit court may overturn its own precedent for a variety of reasons, which are summarized in relevant case law. *See, e.g., Janus v. State, County, and Municipal Employees*, 585 U.S. 878, 916–929 (2018). For example, the legal premises or framework on which a prior decision rested may have been overturned or significantly altered by Supreme Court precedent. Circuits may overturn their own precedent through en banc proceedings.

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

Response: The Supreme Court has the prerogative to overturn its own precedent for a variety of reasons, which are summarized in Supreme Court precedent. *See, e.g., Janus v. State, County, and Municipal Employees*, 585 U.S. 878, 916–929 (2018).

19. 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: If I am confirmed as a district judge, I will faithfully apply all binding Supreme Court precedents. As many nominees have stated before, it is generally improper to rate or give a thumb-up or thumbs-down to any Supreme Court precedent. However, to my knowledge, prior nominees have recognized the holdings of three Supreme Court decisions as foundational and beyond dispute: *Marbury v. Madison*, *Brown v. Board of Education*, and *Loving v. Virginia*. As other nominees have said, yes, these three decisions were correctly decided.

b. *Plyler v. Doe*

Response: Please see my response to Question 19.a.

c. *Loving v. Virginia*

Response: Please see my response to Question 19.a.

d. *Griswold v. Connecticut*

Response: Please see my response to Question 19.a.

e. *Trump v. United States*

Response: Please see my response to Question 19.a.

f. Dobbs v. Jackson Women’s Health Organization

Response: Please see my response to Question 19.a.

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

Response: Please see my response to Question 19.a.

h. Obergefell v. Hodges

Response: Please see my response to Question 19.a.

i. Bostock v. Clayton County

Response: Please see my response to Question 19.a.

j. Masterpiece Cakeshop v. Colorado

Response: Please see my response to Question 19.a.

k. 303 Creative LLC v. Elenis

Response: Please see my response to Question 19.a.

l. United States v. Rahimi

Response: Please see my response to Question 19.a.

m. Loper Bright Enterprises v. Raimondo

Response: Please see my response to Question 19.a.

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

Response: District judges should faithfully apply all binding Supreme Court precedent on matters of constitutional interpretation. Several Supreme Court decisions look to the “original meaning” of the Constitution in deciding constitutional claims and issues or apply an “originalist” interpretation of the Constitution. Other Supreme Court decisions may not be considered by some to be a “originalist” decisions. Whatever the case may be, if confirmed, I would faithfully apply all binding Supreme Court and Seventh Circuit precedent.

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

Response: Please see my response to Question 20.

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

Response: *Obergefell v. Hodges* holds that the Constitution includes the right to same-sex marriage. District judges should faithfully apply all binding Supreme Court precedent on matters of Constitutional interpretation. If confirmed, I would faithfully apply *Obergefell*.

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

Response: Yes. *Loving v. Virginia* holds that the Constitution includes the right to marry persons of a different race. District judges should faithfully apply all binding Supreme Court precedent on matters of Constitutional interpretation. If confirmed, I would faithfully apply *Loving v. Virginia*.

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

Response: The Equal Protection Clause and the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution state “... nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Generally speaking, my understanding is that Supreme Court precedent holds that the Equal Protection Clause requires strict or intermediate scrutiny for any state law that classifies on the basis of protected characteristics, and rational basis review for state laws that classify based any non-protected characteristic. Generally speaking, my understanding is that Supreme Court precedent holds that the Due Process clause requires states to guarantee certain fundamental procedural protections for individuals before depriving those individuals of life, liberty, or property, and also guarantees certain substantive rights that states must respect.

25. 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: Generally speaking, the Supreme Court has applied these clauses to prohibit discrimination on the basis of sex and on the basis of sexual orientation. *E.g.*, *United States v. Virginia*, *Romer v. Evans*, *Lawrence v. Texas*, *Obergefell v. Hodges*. How these clauses apply to LGBTQ+ individuals is the subject of pending litigation. These issues may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. *See* Code of Conduct of U.S. Judges, Canon 3A(6). If confirmed, I would faithfully apply all binding precedent on these issues.

- 26. 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 20.

- 27. 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 20.

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

Response: The Supreme Court has on occasion determined that the First Amendment applies differently to different persons. For example, free-speech protections have been applied differently with respect to children. *E.g.*, *Ginsberg v. New York*, 390 U.S. 629 (1968). This question has been the subject of pending litigation and may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. *See* Code of Conduct of U.S. Judges, Canon 3A(6). If confirmed, I would faithfully apply all binding precedent on this issue.

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

Response: The Supreme Court has described various tests for determining whether speech is “content-based” or “content-neutral.” *E.g.*, *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). These issues are routinely litigated and are the subject of pending litigation and may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. *See* Code of Conduct of U.S. Judges, Canon 3A(6). If confirmed, I would faithfully apply all binding precedent on these issues.

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

Response: The Supreme Court held in *Counterman v. Colorado*, 600 U.S. 66, 74 (2023), that true threats are “serious expressions conveying that a speaker means to commit an act of unlawful violence.”

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

Response: The Supreme Court has stated in *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” This question is the subject of pending litigation and may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment further on

this issue. See Code of Conduct of U.S. Judges, Canon 3A(6). If confirmed, I would faithfully apply all binding precedent on this issue.

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

Response: This issue is the subject of pending litigation and may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment on this issue. *See* Code of Conduct of U.S. Judges, Canon 3A(6). If confirmed, I would faithfully apply all binding precedent on this issue.

33. 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: This issue is the subject of pending litigation. Accordingly, it would not be appropriate for me to comment on this issue. *See* Code of Conduct of U.S. Judges, Canon 3A(6). If confirmed, I would faithfully apply all binding precedent on this issue.

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: This issue is the subject of pending litigation. Accordingly, it would not be appropriate for me to comment on this issue. *See* Code of Conduct of U.S. Judges, Canon 3A(6). If confirmed, I would faithfully apply all binding precedent on this issue.

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

Response: In any Republic, it is important that public servants understand and are familiar with the people they serve and that the people accept their public servants as legitimate stewards of the public trust. Judges must also have an open mind and be familiar with the perspectives of those who appear before them. Accordingly, there should be no impediment to anyone serving on the federal bench because of any protected characteristic.

35. 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: Judges should faithfully apply the requirements of the First Step Act and all binding precedents that interpret it, just like any other applicable federal law. Generally speaking, judges should consider the facts and individual characteristics of defendants as the First Step Act and other federal sentencing requirements direct. The requirements of the First Step Act are often litigated, and issues related to the First Step Act are likely to come before me if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

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.

36. 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 aware of the source or context of the quoted material or what the author’s intended meaning of this term was when it was purportedly written.

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

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

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

Response: I am not aware of any advice that President Trump purportedly received during his first term from the Federalist Society.

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

Response: It is inappropriate for a nominee for federal district judge to offer any commentary on political issues or a particular political official's statements. *See* Code of Conduct of U.S. Judges, Canon 5.

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

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

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

Response: I have several professional colleagues, acquaintances, and friends who are members of the Federalist Society and have spoken with them during my selection process. I have never spoken to or corresponded with Leonard Leo or Steven G. Calabresi.

- 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: No.

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

Response: No.

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

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

Response: Not to my knowledge. I have never spoken to or corresponded with Leonard Leo.

- 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.

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

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

Response: Not to my knowledge. I have never spoken to or corresponded with Kevin D. Roberts.

- 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.

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

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

Response: Not to my knowledge.

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

Response: No.

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

Response: No.

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

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

Response: Not to my knowledge. I have never spoken to or corresponded with Stephen Miller, Gene Hamilton, or Daniel Epstein.

- 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.

41. 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: In July 2025, I was introduced to Mike Davis by email. Mr. Davis responded by referring me to the White House counsel's office. I have had no further interaction with Mr. Davis. To my knowledge, I have not spoken with or corresponded with any other individual associated with the Article III Project. I have never met, spoken with, or corresponded with Will Chamberlain or Josh Hammer.

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.

42. 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 have several professional colleagues, acquaintances, and friends who are members of ADF and have spoken with them during my selection process.

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

Response: I am an Allied Attorney for ADF and receive periodic requests from ADF to represent clients in a pro bono capacity.

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

Response: No.

43. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed “to the Constitution and the Founders’ vision of a nation of limited government;

dedicated to the rule of law; with a fair and impartial judiciary.” It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

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

Response: Not to my knowledge. I have never spoken to or corresponded with Leonard Leo or Carrie Severino.

- 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 any such purported donations. To the extent this question seeks commentary on a political issue, it is inappropriate for a nominee for federal district judge to offer any commentary on political issues. *See* Code of Conduct of U.S. Judges, Canon 5.

- 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 43.d.

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

Response: Please see my response to Question 43.d.

**Nomination of Justin Olson to the
United States District Court for the Southern District of Indiana
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, within the bounds of appropriate inquiry based on the limitations imposed by the Code of Conduct of U.S. Judges and applicable Attorney Rules of Professional Conduct.

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: Please see my response to Question 1.

3. Do you believe you fulfilled this responsibility with the answers you have provided to my questions for the record?
 - a. Did you receive assistance from staff in the White House, the Department of Justice, or any other organization in writing your responses to these questions? If so, from whom did you receive assistance and what was the nature of the assistance you received?

Response: No.

- 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 do not see an issue with this approach provided that any answer that I provide that incorporates answers of previous nominees is truly and wholeheartedly adopted as my own. All answers are my own.

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

Response: Yes.

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

Response: Yes.

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

Response: No.

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

Response: No.

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

Response: I see Chief Justice Loretta Ruch of Indiana Supreme Court and Civil Chief Shelese Woods of the United States Attorney's Office for the Southern District of Indiana as role models for conducting myself ethically in the legal profession. As one of Chief Justice Ruch's law clerks I observed her meticulous attention to detail, her awareness and respect for the rights of every litigant who appeared before her, and her conscientious concern that every decision she made was by the book and above reproach. As a line AUSA who directly reported to Civil Chief Woods, I observed her diligence in actively monitoring the many cases that were pending in our office, ensuring that every matter was appropriately staffed, and treating every litigant and opposing counsel with dignity and respect. These are just a few of the lessons that I learned from these role models.

6. How would you describe your judicial philosophy?

Response: My judicial philosophy, consistent with the Oath of office, is to interpret and apply the law (without partiality, bias, or prejudice) as written and interpreted by binding higher court precedent (Supreme Court and, in my case, Seventh Circuit) to cases and controversies and parties over which I have jurisdiction. The law as written is the text of the law that was enacted by the lawmaking body and understood by the public at the time of enactment, not the law as the judge might wish to understand it based on the judge's personal preferences. Accordingly, the law as written and interpreted by higher courts is what I will interpret and apply to any case or controversy that comes before me, not my personal preferences, if I am confirmed. *See* 28 U.S.C. § 453.

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 I were confirmed, I would apply the standards and factors set forth in applicable Supreme Court precedent, such as *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 231, 237–38 (2022) and *Washington v. Glucksberg*, 521

U.S. 702, 720–21 (1997). In applying the standards recognized in these decisions, the Supreme Court has looked to whether rights protected under the Fourteenth Amendment are expressly enumerated in the Bill of Rights, *see, e.g., Timbs v. Indiana*, 586 U.S. 146, 149–50 (2019); *McDonald v. City of Chicago*, 561 U.S. 742, 763–66 (2010); whether history and tradition supports the right, *Dobbs*, 597 U.S. at 231, 237–38; *Timbs*, 586 U.S. at 151–54; *McDonald*, 561 U.S. at 767–78, whether the right is fundamental to our scheme of ordered liberty, *id.*, and what sources should be consulted to determine history and tradition, *id.* If confirmed, I would also consider the relevant standards or factors identified by the Supreme Court or Seventh Circuit precedent and would faithfully apply all binding precedent.

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

Response: Please see my response to Question 7.

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

Response: Please see my response to Question 7.

- 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: If confirmed, I would consider whether a right has been previously recognized by Supreme Court or Seventh Circuit precedent in determining whether a right is fundamental and protected under the Fourteenth Amendment, and I would faithfully apply all binding precedent. In the absence of controlling precedent, relevant decisions of other circuits may be consulted 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: Please see my response to Question 7.

- 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: The Constitution states that the President “shall take Care that the Laws be faithfully executed.” U.S. Const. art. II, § 3, cl. 5. The Supreme Court has recognized that

the Executive Branch has discretion to prioritize enforcement and prosecution of federal law. *See United States v. Texas*, 599 U.S. 670, 679 (2023); *United States v. Nixon*, 418 U.S. 683, 693 (1974). To the extent that this question asks me to opine on my personal views about the political branches' exercise of their enumerated powers, it is inappropriate for a nominee for federal district judge to offer any commentary on political issues. *See Code of Conduct of U.S. Judges*, Canon 5. Further, while "Take Care Clause" claims have been raised in litigation, I am not aware of any case that has squarely held that the President has violated the Take Care Clause. Application of these principles is a matter of ongoing dispute and could come before me as a judge, if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. *See Code of Conduct of U.S. Judges*, Canon 3A(6).

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. Constitutional plainly states "No person shall be elected to the office of the President more than twice"

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: It means that the candidate was certified the winner of 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 echoed fellow nominee Megan Benton's response 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: In preparation for the nomination hearing, I watched the recorded testimony of prior judicial nominees from their nomination hearings and noted that some of them had been asked about the winner of the 2020 election. I also reflected on the fact that I was generally aware of ongoing controversy and debate reported in the media regarding the winner of the 2020 election and of litigation regarding this controversy. Accordingly, I determined that under the Code of Conduct of U.S. Judges, Canon 3(A)(6) and 5 I ought not weigh in on matters of public controversy and political debate but to characterize the outcome of the 2020 election in terms of the undisputed official action taken by Congress to certify the winner of the election.

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

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

Response: As I explained in my Senate Judiciary Questionnaire, if confirmed, I will recuse myself from any case in which I have been involved, any cases that were opened or filed by the United States Attorney’s Office for the Southern District of Indiana while I was employed there, and any cases that were open or filed by attorneys from Kroger Gardis & Regas, LLP while I worked there. I will also carefully review the recusal statute, the Code of Conduct of U.S. Judges, and any other applicable guidance and authority – including advisory opinions from the Judicial Conference of the United States – to determine on a case-by-case basis whether to recuse myself from a particular matter.

13. In your Senate Judiciary Questionnaire, you note that you represent “current and former women collegiate athletes challenging athletic eligibility policies that allow trans-identifying men to participate in collegiate athletics.” For example, you describe that you “represent several current and former NCAA female athletes challenging the NCAA’s transgender eligibility policies across several NCAA women’s sports categories, with a particular focus on how those policies were applied during the 2022 NCAA Division I Women’s Swimming and Diving Championships. At that event, the NCAA allowed a trans-identifying male swimmer to use the women’s locker rooms and take athletic opportunities and places from women. The lawsuit alleges that the NCAA’s transgender eligibility policies violate Title IX and the Fourteenth Amendment.”

In one case before Judge Kato Crews of the U.S. District Court for the District of Colorado, you sought a preliminary injunction to enjoin the participation of a transgender athlete in the Mountain West Conference’s end-of-season tournament and enjoin enforcement of its transgender participation policy. Reportedly, you and your co-counsel, William Bock III, asked Judge Crews to recuse himself due to his courtroom protocol regarding attorneys using the applicable pronouns of others. You and Bock have also written two U.S. Supreme Court amicus briefs arguing against the participation of transgender women in women’s scholastic sports.

- a. Is it true that you asked Judge Crews to recuse himself from the case because of his courtroom protocol about the use of pronouns?

Response: The question does not accurately state the nature of the legal filing. The lawsuit in question was filed in the U.S. District Court for the District of Colorado by several plaintiffs whom I represented, and all motions filed and relief sought in that case was made by those plaintiffs whom I represented. The

Plaintiffs filed a motion to rescind the Court's Uniform Civil Practice Standard 43.1A(a) and for recusal because the Court had "publicly prejudged the core question th[e] case present[ed]" by adopting is practice standard. *Slusser, et al. v. Mountain West Conference*, 1:24-cv-03155-SKC-MDB, ECF No. 73 (D. Colo. Feb. 18, 2025).

- b. Would you agree that your work on these matters creates at least the appearance of partiality with respect to cases involving the rights of transgender people?

Response: My work in the matters referenced in Question 13, and in other matters throughout my career, reflects that I have upheld my oath as an attorney to advocate zealously for my clients, no matter my personal views. In each case, I have pressed all good faith arguments my clients had available, regardless of my views of what might be an ideal policy outcome. My work representing "current and former women collegiate athletes challenging athletic eligibility policies that allow trans-identifying men to participate in collegiate athletics" is no different. If I am confirmed and take the Oath of office, my personal views or any work that I have performed on behalf of any client I have represented throughout my career will be immaterial to my duty to provide impartial justice and faithfully apply the law to every litigant who appears before me.

- c. If you are confirmed, will you recuse yourself from cases involving the rights of transgender people?

Response: Please see my response to Question 12.

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 Republican National Lawyers Association or other political organizations?

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

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: If confirmed, I will take into account all applicable statutory authority – including 18 U.S.C. § 3553 and 18 U.S.C. § 3583 – the Sentencing Guidelines, and all binding precedent in determining an appropriate sentence for every defendant.

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

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

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

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

Response: This question calls for me to weigh in on a matter of public and political controversy, which is also the subject of ongoing litigation. Accordingly, it would not be appropriate for me to respond to this question. *See* Code of Conduct of U.S. Judges, Canon 3A(6), 5.

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

Response: The Supreme Court has recognized a right to travel across state lines. *United States v. Guest*, 383 U.S. 745, 757–58 (1966) (“freedom to travel throughout the United States has long been recognized as a basic right under the Constitution.”); *see also Saenz v. Roe*, 526 U.S. 489, 498–500 (1999). I would faithfully apply all binding precedent on this issue.

- a. If you had to determine whether it is constitutional for a state to restrict the interstate travel of its citizens, what process would you use to perform that

analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: I would reference any applicable Supreme Court cases, such as *United States v. Guest*, 383 U.S. 745, 757–58 (1966) and *Saenz v. Roe*, 526 U.S. 489, 498–500 (1999), and any Seventh Circuit precedent on the issue of the right to interstate travel. As these issues may come before me as a district judge if I am confirmed, it would not be appropriate for me to comment further on this issue. See Code of Conduct of U.S. Judges, Canon 3A(6).

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 contexts. *E.g.*, *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972).

- 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: *Griswold* addressed a state law prohibiting contraceptives or assisting others from obtaining contraceptives. The Supreme Court held in *Griswold* that this state law violated the Fourteenth Amendment. *Eisenstadt* later held that “a prohibition on contraception per, violates the rights of single persons under the Equal Protection Clause of the Fourteenth Amendment.” 405 U.S. at 443. As a district court judge, I would be bound to follow all binding precedent.

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

Response: The Supreme Court has looked to the original public meaning of a constitutional provision to decide current issues. *E.g.*, *District of Columbia v. Heller*, 554 U.S. 570 (2008). As a district court judge, I would be bound to follow all binding precedent.

- 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: I would apply the original public understanding recognized by the Supreme Court and the Seventh Circuit, and to the extent those higher courts relied upon historical sources to discern that public understanding, I would follow their lead. For example, in the context of discerning the original understanding of the Second Amendment, the Supreme Court has looked to such historical sources as commentaries on the laws of England, *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 39–40 (2022) (internal quotation marks omitted),

dictionaries from the time of ratification, *District of Columbia v. Heller*, 554 U.S. 570, 581 (2008), and the Federalist and Anti-Federalist Papers, *McDonald v. City of Chicago, Ill.*, 561 U.S. 742, 768–69 (2010). As a district court judge, I would be bound to follow all binding precedent.

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

Response: The Supreme Court has stated in *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” This question is the subject of pending litigation and may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. See Code of Conduct of U.S. Judges, Canon 3A(6). If confirmed, I would faithfully apply all binding precedent on this issue.

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

Response: Generally speaking, district judges have the authority to issue a variety of orders to gain insight into whether a party has failed to comply with a court order, such as ordering a status conference or order to show cause. District courts may also mandate parties to file status reports to explain what steps if any have been taken to comply with a court order. Further, district judges have authority to order sanctions if orders are not followed, including civil and criminal contempt orders – assuming the pre-requisite processes are followed to issue such orders. District judges also have the inherent authority to issue other sanctions in appropriate circumstances for violations of a court order. *E.g.*, *Fuery v. City of Chicago*, 900 F.3d 450, 452–55 (7th Cir. 2018) (affirming district court’s entry of judgment as sanction for repeated violation of a ruling in limine). I would consider all instances of a party’s refusal to comply with a court order on a case-by-case basis if confirmed.

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: The Supreme Court has recognized that district judges have inherent authority to ensure decorum within their courts and to ensure that the judicial process is not abused. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (“Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates.” (quoting *Anderson v. Dunn*, 6 Wheat. 204, 227, 5 L.Ed. 242 (1821))). The Supreme Court has explained the parameters under which courts may exercise this “inherent power.” See *e.g.*, *id.* at 43–49. I would consider these parameters in observing the behavior of litigants in my court if I am confirmed.

District judges also have the authority to issue a variety of orders to gain insight into whether a party is engaging in abusive litigation tactics such as ordering status conferences, orders to show cause, and scheduling orders. Further, I would consult with the district judges and magistrate judges in the Southern District of Indiana to determine how they determine and address abusive litigation tactics in the District.

I am aware that the Southern District of Indiana has some local rules that are tailored toward discouraging abusive litigation tactics. *E.g.*, S.D. Ind. L.R. 36.1 (limiting parties to 25 requests for admission absent leave of the Court). I am also aware that the Southern District of Indiana encourages lawyers to conduct themselves with “personal courtesy and professional integrity in the fullest sense of those terms.” S.D. Ind. – Appendix B (Standards for Professional Conduct within the Seventh Federal Judicial District). The Southern District of Indiana also adheres to standards of professional conduct for judges, including a duty to maintain “control of the proceedings, recognizing that judges have both the obligation and the authority to insure that all litigation proceedings are conducted in a civil manner.” *Id.* These standards also state that judges “will bring to lawyers’ attention uncivil conduct which we observe.” *Id.* I will faithfully fulfill these duties if confirmed.

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

Response: District judges have broad discretion in managing their dockets and addressing abusive litigation tactics. *Fuery v. City of Chicago*, 900 F.3d 450, 452 (7th Cir. 2018) (“We leave much of the trial refereeing to those on the field—the district courts. District courts ‘possess certain inherent powers, not conferred by rule or statute, to manage their own affairs so as to achieve the orderly and expeditious disposition of cases. That authority includes the ability to fashion an appropriate sanction for conduct which abuses the judicial process.’” (quoting *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 107–108 (2017))). Generally speaking, District judges may enforce all case management deadlines. District judges may also order parties to file status reports as a method of holding litigants accountable in making progress on meeting their litigation obligations. In some circumstances it may be appropriate to order sanctions for abuses of the litigation process, including the sanctions identified in Federal Rule of Civil Procedure 37(b)(2). *See also Chambers*, 501 U.S. at 50. In extreme cases, dismissal of a lawsuit may be warranted. *Id.* at 45; *see also Fuery*, 900 F.3d at 454. The Supreme Court and Seventh Circuit have identified criteria for imposing sanctions for abuse of the litigation process. *See id.* If confirmed I would faithfully apply all applicable Federal Rules of Procedure and all relevant binding precedent on this issue. I would address each instance of abusive litigation on a case-by-case basis.

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

Response: There may be certain contexts in which a judge will be required to consider the practical consequences of a particular order on the parties and the public, particularly when a party seeks equitable relief. *See, e.g., Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (“In exercising their sound discretion, courts of equity should pay particular regard for the public consequences in employing the extraordinary remedy of injunction.” (internal quotations and citations omitted)). As a general matter, however, a judge should not decide cases based on their personal views or policy preferences but rather based on the Constitution and laws of the United States. *See* 28 U.S.C. § 453. Please also see my response to Question 6.

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

Response: A judge’s life experiences should provide the judge with the requisite legal acumen to fulfill the judicial role as well as the integrity and humility to treat all others with civility, fairness, honesty, and respect. It may also inform a judge’s basic common sense to understand the practical consequences of their exercise of equitable remedies. *See, e.g., Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (“In exercising their sound discretion, courts of equity should pay particular regard for the public consequences in employing the extraordinary remedy of injunction.” (internal quotations and citations omitted)). As a general matter, however, a judge should not decide cases based on their personal views or policy preferences but rather based on the Constitution and laws of the United States. *See* 28 U.S.C. § 453. Please also see my response to Question 6.

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

Response: A judge’s life experiences should provide the judge with the requisite legal acumen to fulfill the judicial role as well as the integrity and humility to treat all others with civility, fairness, honesty, and respect. That said, regardless of a judge’s life experience, or the particular personal or policy preferences they may have developed because of that experience, a judge’s role is to fulfill their Oath of office. *See* 28 U.S.C. § 453. Please also see my response to Question 6.

26. In your Senate Judiciary Questionnaire, you note that you have served as an Ordained Elder of the Reformed Presbyterian Church of North America since 2021, and you also held various roles in the Second Reformed Presbyterian Church from 2014-25. Moreover, you have conducted dozens of sermons indicating your views concerning what the Bible teaches. Your notes for your Sunday school sermon on April 16, 2017, indicate that you discussed that women should “accept [their husbands’] leadership” and “[r]ecognize that God – not culture, not other men, not tradition – has called wives to be subject to their husband.” In a sermon on July 22, 2024, you referred to “transgenderism, homosexuality, [and] fornication” as “sexual perversion.”

- a. Do you think that wives should be “subject to their husband”?

Response: This question lacks the full context of what I said in my April 16, 2017, adult Sunday School sermon. This sermon on Christian marriage was delivered to members of my church and presumed that the listeners accepted the truth of the Bible and desired to live in conformity to its teachings. This sermon discussed the Christian religious belief that husbands and wives both have obligations to each other. In this sermon, I explained the words of St. Peter from 1 Peter 3:1 (ESV), which states “Likewise, wives, be subject to your own husbands.” *See also* Ephesians 5:22 (ESV). In the same sermon I gave various examples of how the term “subject” does not mean passive subservience. *See, e.g.,* 1 Peter 2:13 (“Be subject for the Lord’s sake to every human institution . . .”). Further, in the same sermon, I also explained the words of St. Peter from 1 Peter 3:7 (ESV) which says a husband should “show honor” to his wife, and that men and women are both “co-heirs of the grace of life.” *See also* Ephesians 5:25 (ESV) (“Husbands, love your wives, as Christ loved the church and gave himself up for her”). My comments were consistent with the doctrine of my church at the time, and many other religious communities in the United States.

Regardless, a judge should not decide cases based on their personal views or policy preferences but rather based on the Constitution and laws of the United States. *See* 28 U.S.C. § 453. If confirmed I will faithfully fulfill my Oath of office, follow all binding higher court precedent, and apply the law as written, not my personal or religious beliefs. *See* 28 U.S.C. § 453. If I am confirmed I will treat every litigant and every person who appears before me with the utmost respect, dignity, and fairness.

- b. Do you think that gay people are “sexual pervers[ts]”?

Response: This question mischaracterizes what I stated in my July 24, 2022 sermon. I never used the term “perverts” or referred to anyone in a derogatory manner. In this religious sermon, I used the term “perversion” in a technical sense to refer to a deviation from and distortion of a religious standard, not as a derogatory insult. My statements were consistent with the doctrine of my church at the time, and many other religious communities in the United States, that sexual intimacy is to be enjoyed within the bounds of traditional marriage.

Regardless, a judge should not decide cases based on their personal views or policy preferences but rather based on the Constitution and laws of the United States. *See* 28 U.S.C. § 453. If confirmed I will faithfully fulfill my Oath of office, follow all binding higher court precedent, and apply the law as written, not my personal or religious beliefs. *See* 28 U.S.C. § 453. If I am confirmed I will treat every litigant and every person who appears before me with the utmost respect, dignity, and fairness.

- c. Do you think that people who have consensual sexual intercourse outside of marriage are “sexual pervers[ts]”?

Response: Please see my response to Question 26.b.

- d. What role, if any, do you believe a judge's faith should play in their judicial decision-making?

Response: As a general matter a judge should not decide cases based on their personal views or policy preferences but rather based on the Constitution and laws of the United States. *See* 28 U.S.C. § 453. That said, a judge's faith may inform and motivate the solemnity with which they approach their duties and reinforce their commitment to do justice; treat every person in their courtroom with dignity, respect, and fairness; maintain the solemnity of their courtroom proceedings (where all litigants swear to tell the truth and hear the words "so help you God"); and conduct themselves with the utmost integrity.

- e. If you are confirmed, what will you do if the laws and facts of a case run contrary to your religious conviction?

Response: As a general matter a judge should not decide cases based on their personal views or policy preferences but rather based on the Constitution and laws of the United States. *See* 28 U.S.C. § 453. If confirmed I will faithfully fulfill my Oath of office, follow all binding higher court precedent, and apply the law as written, not my personal or religious beliefs. *See* 28 U.S.C. § 453. If I am confirmed I will treat every litigant and every person who appears before me with the utmost respect, dignity, and fairness.

Further, framing of this question around religious sermons I delivered on Sunday mornings at church suggests an incompatibility with faith and the Oath of office. But the Free Exercise clause of the First Amendment presumes that many Americans are deeply devoted to their faith and exercise that faith in religious communities. Moreover, Clause 3 of Article VI of the U.S. Constitution also states that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." This clause appears after the Supremacy Clause and within the same clause that states "all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation to support this Constitution." Thus, taken together, the First Amendment's religion clauses and Article VI of the U.S. Constitution presume that the robust faith of public officials, including judges, is compatible with the Oath of office and that the two are not mutually exclusive. *Torcaso v. Watkins*, 367 U.S. 488, 491–495 (1961) (reading Article VI in conjunction with the First Amendment and stating "[w]e repeat and again reaffirm that neither a State nor the Federal Government can constitutionally force a person 'to profess a belief or disbelief in any religion.'"); *see also Girouard v. United States*, 328 U.S. 61, 65 (1946).

- f. What would you say to a gay litigant that does not think he would receive a fair process from you, given your stated views that “homosexuality” is a “sexual perversion”?

Response: Please see my response to Question 26.b. A judge should not decide cases based on their personal views or policy preferences but rather based on the Constitution and laws of the United States. *See* 28 U.S.C. § 453. If confirmed, I will faithfully fulfill my Oath of office, follow all binding higher court precedent, and apply the law as written, not my personal or religious beliefs. *See* 28 U.S.C. § 453. If I am confirmed I will treat every litigant and every person who appears before me with the utmost respect, dignity, and fairness.

- g. What would you say to a lesbian law student who might wish to serve as a federal law clerk but is concerned that her application would not receive fair consideration from you given your stated views that “homosexuality” is a “sexual perversion”?

Response: Please see my responses to Questions 26.f. and 28.

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

Response: I would consult with other district judges in the Southern District of Indiana on whether to enter such a standing order. An important factor for me as I consider such a standing order is the fact that the rights and interests of the individual or entity appearing in Court, not their counsel, are ultimately paramount. The party’s rights and choice of counsel must take precedence. Further, while it is admirable that judges should seek to give the younger generation of lawyers adequate opportunities for practical courtroom experience, the decision of whether or not to hold a hearing, like any other legal decision, should not be based on the personal characteristics of counsel for either party.

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

Response: If confirmed, I plan to encourage all lawyers who appear before me, including junior lawyers, to volunteer to serve as recruited counsel pursuant to Southern District of Indiana Local Rule 87, which outlines the District’s process for ensuring legal representation for indigent litigants. Having served as recruited counsel and worked with several recruited counsel in cases involving indigent litigants, I know that volunteering in these cases provides invaluable experience to first-chair depositions, settlement conferences, evidentiary hearings, and trials.

28. Discuss your proposed hiring process for law clerks.

Response: If confirmed, I plan to use the same processes for recruiting and hiring that other district judges use. I will review all applications that are submitted and am inclined to follow the procedures and timelines for clerk hiring that are used by other judges in the Southern District of Indiana.

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

Response: It is inappropriate for a nominee for federal district judge to offer any personal commentary on a particular legislative proposal. *See* Code of Conduct of U.S. Judges, Canon 5.

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

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

Response: I have not yet determined any specific chambers policies that I would adopt if confirmed. But as a general matter, I plan to consult with other judges in the Southern District of Indiana on their policies and will consider any policies that would help ensure that the clerks and other staff who would work in my chambers are treated with respect and not subject to misconduct.

- 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: I would consider taking whatever steps would be warranted by the circumstances, including reporting any inappropriate conduct to the appropriate authority. Please also see my response to Question 29.a.

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

Response: I am proud of many cases I have worked on in my career. The cases that bring me the most personal satisfaction are cases in which I experienced a “first” – the first

deposition, hearing, or trial, etc. By this standard, the first case I tried is the case of which I am most proud.

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

Response: I am aware that pardons have been issued for individuals prosecuted for actions taken at the Capitol building on January 6, 2021, and that the effect of these pardons is being litigated. Further, the characterization of the events that occurred at the Capitol building on January 6, 2021, have been litigated in federal court and is the subject of political controversy. Accordingly, it would not be appropriate for me to respond to this question. *See Code of Conduct of U.S. Judges, Canon 3A(6), 5.*

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

Response: The characterization of the events that occurred at the Capitol building on January 6, 2021, have been litigated in federal court and is the subject of political controversy. Accordingly, it would not be appropriate for me to respond to this question. *See Code of Conduct of U.S. Judges, Canon 3A(6), 5.*

32. 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: The President has the exclusive discretion to issue pardons under the United States Constitution. It is inappropriate for a nominee for federal district judge to offer any personal commentary on a particular political official’s exercise of their exclusive, enumerated powers. *See Code of Conduct of U.S. Judges, Canon 5.* Further, I am aware that pardons have been issued for individuals prosecuted for actions taken at the Capitol building on January 6, 2021, and that the effect of these pardons is being litigated. Accordingly, it would not be appropriate for me to respond to this question. *See Code of Conduct of U.S. Judges, Canon 3A(6).*

33. 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 32.

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

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

Response: My body of work to date as a lawyer speaks to my competence and capacity to learn and apply criminal law and procedure in the cases that will come before me, if I am confirmed. As a civil litigator, I have routinely learned and become proficient in new areas of the law in a relatively brief amount of time. These general litigation skills and the competence I have demonstrated throughout my career are directly transferrable to the criminal space.

Further, as a former civil Assistant United States Attorney (AUSA), I worked alongside criminal AUSAs at the United States Attorney's Office for the Southern District of Indiana during parallel criminal and civil investigations. This experience gave me insight into various aspects of federal criminal practice. I also litigated three federal criminal sentencing appeals. *United States v. Richardson*, No. 22-1690 (7th Cir.); *United States v. Zamudio*, 20-3016 (7th Cir.); *United States v. Watt*, 19-3416 (7th Cir.), arguing one of these cases before the Seventh Circuit.

Finally, I have counseled clients whose civil matters run adjacent to the criminal space. Some of my clients are victims and witnesses of criminal schemes. And as a former AUSA, I litigated civil matters that implicated various aspects of the criminal process on behalf of current or former federal agents. *E.g.*, *Robinson v. United States*, et al., 1:22-cv-00635-JMS-MJD (S.D. Ind.) (lawsuit brought by a former FBI confidential informant asserting claims against the United States and FBI agents under *Bivens* and the Federal Tort Claims Act).

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

Response: If I am confirmed, I will consult all available resources provided to federal judges, including training seminars and materials from the Federal Judicial Center and the Administrative Office of the United States Courts. I will also consult with my future colleagues on the federal bench.

Questions for the Record for Justin R. Olson
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: As I explained in my Senate Judiciary Questionnaire, if confirmed, I will recuse myself from any case in which I have been involved, any cases that were opened or filed by the United States Attorney's Office for the Southern District of Indiana while I was employed there, and any cases that were open or filed by attorneys from Kroger Gardis & Regas, LLP while I worked there. I will also carefully review the recusal statute, the Code of Conduct of U.S. Judges, and any other applicable guidance and authority – including advisory opinions from the Judicial Conference of the United States – to determine on a case-by-case basis whether to recuse myself from a particular matter.

- 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 consult the Code of Conduct of U.S. Judges and any other applicable guidance and authority – including advisory opinions from the Judicial Conference of the United States – and faithfully follow all ethical rules and requirements governing judicial conduct.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Please see my response to Question 2.

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

Response: Yes.

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

Response: If confirmed, I will consult the Code of Conduct of U.S. Judges and any other applicable guidance and authority – including advisory opinions from the Judicial Conference of the United States – and faithfully follow all ethical rules and requirements governing judicial conduct. I will file all required reports and comply with all requirements related to potential conflicts of interest, gifts, privately funded travel, hospitality, entertainment, teaching, speaking, or writing activities.

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

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

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

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

- 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: If confirmed, I would faithfully apply binding precedent on this and all other issues. *See, e.g., Bessette v. W.B. Conkey Co.*, 194 U.S. 324, 326–27 (1904); *Bloom v. Illinois*, 391 U.S. 194, 202 (1968). To the extent that this question asks me to opine on my personal views about the political branches’ exercise of their enumerated powers or a particular legislative proposal, it is inappropriate for a nominee for federal district judge to offer any commentary on political issues. *See* Code of Conduct of U.S. Judges, Canon 5. Further, these issues may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

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

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

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

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

Response: Yes, I would have the ability to issue orders in cases and parties over which I have jurisdiction. If I lacked jurisdiction, I would be required to dismiss the case under existing precedent.

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

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

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

Response: Generally speaking, district judges have the authority to issue a variety of orders to gain insight into whether a party has failed to comply with a court order, such as ordering a status conference or order to show cause. Courts may also mandate parties to file status reports to explain what steps if any have been taken to comply with a court order. Further, district judges have authority to order sanctions if orders are not followed, including civil and criminal contempt orders – assuming the pre-requisite processes are followed to issue such orders.

- 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, the normal course for litigants who disagree with a court order is – depending on the procedural posture of the case and the nature of the relief granted or denied – to seek an immediate stay of the lower court’s decision or seek immediate appellate relief in the form of an injunction pending appeal, stay of the lower court’s decision pending appeal, or a standard appeal.

It is my understanding that a litigant, under very narrow circumstances, may lawfully decide not to follow an order from a lower federal court with which it is impossible to comply, requires divulging privileged information before all appeals have been exhausted, or for which the lower court lacked jurisdiction to enter the order. *E.g.*, *Shillitani v. United States*, 384 U.S. 364, 371 (1966) (“[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court’s order.” (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948))); *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“[A] long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. . . . Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.”); *In re Sawyer*, 124 U.S. 200, 220 (1888) (explaining that if a Court act without jurisdiction, “its judgments and orders are regarded as nullities. They are not voidable, but simply void.” (internal quotations omitted)); *see also* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008) (same).

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

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

- d. What would make a court order unlawful?

Response: A court order could be unlawful if it is wrong on the merits or entered without jurisdiction.

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

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

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

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

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

Response: No.

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

Response: No.

Nomination of Justin Olson
United States District Court for the Southern District of Indiana
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: It is inappropriate for a nominee for federal district judge to offer any commentary on political issues, matters of public controversy, or a particular political official's statements. *See* Code of Conduct of U.S. Judges, Canon 5.

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: It is inappropriate for a nominee for federal district judge to offer any commentary on political issues or to weigh in on how a political branch of government may decide how to fulfill its enumerated powers. *See* Code of Conduct of U.S. Judges, Canon 5.

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: It is inappropriate for a nominee for federal district judge to offer any commentary on political issues or to weigh in on how a political branch of government may decide how to fulfill its enumerated powers. *See* Code of Conduct of U.S. Judges, Canon 5.

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: My judicial philosophy, consistent with the Oath of office, is to interpret and apply the law (without partiality, bias, or prejudice) as written and interpreted by binding higher court precedent (Supreme Court and, in my case, Seventh Circuit) to cases and controversies and parties over which I have jurisdiction. The law as written is the text of the law that was enacted by the lawmaking body and understood by the public at the time of enactment, not the law as the judge might wish to understand it based on the judge's personal preferences. Accordingly, the law as written and interpreted by higher courts is what I will interpret and apply to any case or controversy that comes before me, not my personal preferences, if I am confirmed. *See* 28 U.S.C. § 453.

5. What do you understand originalism to mean?

Response: My understanding of originalism, generally speaking, is that it refers to the philosophy of constitutional interpretation that looks to the understand and apply the meaning of the U.S. Constitution based on the meaning of the text as understood by the public at the time the particular constitutional provision in question was ratified.

6. Do you consider yourself an originalist?

Response: District judges should faithfully apply all binding Supreme Court precedent on matters of constitutional interpretation. Several Supreme Court decisions look to the “original meaning” of the Constitution in deciding constitutional claims and issues or apply an “originalist” interpretation of the Constitution. Other Supreme Court decisions may not be considered by some to be a “originalist” decisions. Whatever the case may be, if confirmed, I would faithfully apply all binding Supreme Court precedent and Seventh Circuit precedent.

7. What do you understand textualism to mean?

Response: My understanding of textualism, generally speaking, is that it refers to the philosophy of statutory interpretation that looks to the understand and apply the meaning of a statute based on the meaning of the text as understood by the public at the time the particular statutory provision in question was enacted.

8. Do you consider yourself a textualist?

Response: District judges should faithfully apply all binding Supreme Court precedent on matters of statutory interpretation. Several Supreme Court decisions look to the “original meaning” of a statute in deciding statute-based claims and issues or apply an “textualist” interpretation of a statute. Other Supreme Court decisions may not be considered by some to be “textualist” decisions. Whatever the case may be, if confirmed, I would faithfully apply all binding Supreme Court and Seventh Circuit precedent in interpreting and applying statutes to cases and controversies. Further, when it comes to applying any state statute, if confirmed, I would apply relevant state Supreme Court precedent in construing the meaning of a particular state statute. *See Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938).

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: Generally speaking, the statutory text is the law that District Courts must interpret and apply, not legislative history. The meaning of the statutory text is the original public meaning of that text at the time it was enacted. Legislative history does not trump the statutory text. As the Supreme Court recently stated, “[i]t is the statutory text ... that best reflects Congress’s intent.” *Republic of Hungary v. Simon*, 604 U.S. 115, 137 (2025). However, legislative history is one piece of evidence, among other pieces of evidence, that may inform the original public meaning. *Bostock v. Clayton Cnty., Georgia*, 590 U.S. 644, 674–75 (2020) (“[W]hile legislative history can never defeat unambiguous statutory text, historical sources can be useful for a different purpose ... To ferret out ... shifts in linguistic usage or subtle distinctions between literal and ordinary meaning, this Court has sometimes consulted the understandings of the law’s drafters as some (not always conclusive) evidence.”). If confirmed, I would faithfully apply all binding Supreme Court and Seventh Circuit precedent in interpreting and applying statutes to cases and controversies.

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

Response: Congressional intent does matter, and the statutory text “best reflects Congress’s intent.” *Republic of Hungary v. Simon*, 604 U.S. 115, 137 (2025); *accord Bostock v. Clayton Cnty., Georgia*, 590 U.S. 644, 674–75 (2020) (“legislative history can never defeat unambiguous statutory text”). If confirmed, I would faithfully apply all binding Supreme Court and Seventh Circuit precedent in interpreting and applying statutes to cases and controversies.

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 aware of this study, and I prefer not to comment on academic findings of which I am unaware and for which I lack the full context. Generally speaking, any discrimination by the government on the basis of race violates the Fourteenth Amendment. *Students for Fair Admissions, Inc. v. President and Fellows of Harvard*

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

College, 600 U.S. 181, 206 (2023). Should I be confirmed as judge, I would perform all my duties without bias, prejudice, or partiality.

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: Please see my response to Question 10.

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: Federal judges have an obligation to ensure that all defendants in the criminal justice system receive the equal protection of the laws and the due process of law. Racial bias has no place in the criminal justice system. *E.g., Batson v. Kentucky*, 476 U.S. 79 (1986). Should I be confirmed as judge, I would perform all my duties without bias, prejudice, or partiality.

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

Response: In any Republic, it is important that public servants understand and are familiar with the people they serve and that the people accept their public servants as legitimate stewards of the public trust. Judges must also have an open mind and be familiar with the perspectives of those who appear before them. Accordingly, there should be no impediment to anyone serving on the federal bench because of any protected characteristic.

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

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.

- e. Firearms
- f. Immigration
- g. Same-sex marriage
- h. Miscegenation
- i. Participation of transgender people in sports
- j. Service of transgender people in the U.S. military
- k. Racial discrimination
- l. Sex discrimination
- m. Religious discrimination
- n. Disability discrimination
- o. Climate change or environmental disasters
- p. “DEI” or Diversity Equity and Inclusion

Response: To the best of my knowledge, my Senate Judiciary Questionnaire, as supplemented in letters to Chairman Grassley and Ranking Member Durbin, discloses all my responsive published writings and public statements. For a full accounting of the topics I have addressed, please refer to the list of publications and statements provided in my as-supplemented Questionnaire and the materials that I provided to the Committee.

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

Response: Generally, the normal course for litigants who disagree with a court order is – depending on the procedural posture of the case and the nature of the relief granted or denied – to seek an immediate stay of the lower court’s decision or seek immediate appellate relief in the form of an injunction pending appeal, stay of the lower court’s decision pending appeal, or a standard appeal.

It is my understanding that a litigant, under very narrow circumstances, may lawfully decide not to follow an order from a lower federal court with which it is impossible to comply, requires divulging privileged information before all appeals have been exhausted, or for which the lower court lacked jurisdiction to enter the order. *E.g.*, *Shillitani v. United States*, 384 U.S. 364, 371 (1966) (“[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court’s order.” (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948))); *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“[A] long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions. . . . Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information. Alternatively, when the circumstances warrant it, a district court may hold a noncomplying party in contempt. The party can then appeal directly from that ruling, at least when the contempt citation can be characterized as a criminal punishment.”); *In re Sawyer*, 124 U.S. 200, 220 (1888) (explaining that if a Court act without jurisdiction, “its judgments and orders are regarded as nullities. They are not voidable, but simply void.” (internal quotations omitted)); *see also* William Baude, *The Judgment Power*, 96 Geo. L.J. 1807, 1827 (2008) (same).

- 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: Generally speaking, district judges have the authority to issue a variety of orders to gain insight into whether a party has failed to comply with a court order, such as ordering a status conference or order to show cause. District courts may also mandate parties to file status reports to explain what steps if any have been taken to comply with a court order. Further, district judges have authority to order sanctions if orders are not followed, including civil and criminal contempt orders – assuming the pre-requisite processes are followed to issue such orders. District judges also have the inherent authority to issue other sanctions in appropriate circumstances for violations of a court order. *E.g.*, *Fuery v. City of Chicago*, 900 F.3d 450, 452–55 (7th Cir. 2018) (affirming district court’s entry of judgment as sanction for repeated violation of a ruling in limine). I would consider all instances of a party’s refusal to comply with a court order on a case-by-case basis if confirmed.

- 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: Please see my response to Question 15.

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

Response: Legislation passed by Congress may be vetoed by the President. U.S. Const. art. I, § 7, cl. 2. Otherwise, the Constitution states that the President “shall take Care that the Laws be faithfully executed.” U.S. Const. art. II, § 3, cl. 5. The Supreme Court has recognized that the Executive Branch has discretion to prioritize enforcement and prosecution of federal law. *See United States v. Texas*, 599 U.S. 670, 679 (2023); *United States v. Nixon*, 418 U.S. 683, 693 (1974). To the extent that this question asks me to opine on my personal views about the political branches’ exercise of their enumerated powers, it is inappropriate for a nominee for federal district judge to offer any commentary on political issues. *See Code of Conduct of U.S. Judges*, Canon 5. Further, these issues may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. *See Code of Conduct of U.S. Judges*, Canon 3A(6).

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

Response: This question is the subject of pending litigation and may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. *See Code of Conduct of U.S. Judges*, Canon 3A(6). If confirmed, I would faithfully apply all binding precedent on this issue.

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: To the extent that this question asks me to opine on my personal views about the political branches' exercise of their enumerated powers, it is inappropriate for a nominee for federal district judge to offer any commentary on political issues. *See* Code of Conduct of U.S. Judges, Canon 5. Further, these issues may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

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

Response: The Supremacy Clause provides that the Constitution, along with federal laws and treaties made under its authority, constitutes the “supreme Law of the Land.” Art. VI, cl. 2. Under Supreme Court precedent, federal laws may preempt state law either expressly or implicitly through field or conflict preemption. *Murphy v. Nat’l Collegiate Athletic Ass’n*, 584 U.S. 453, 477–79 (2018); *Altria Grp., Inc. v. Good*, 555 U.S. 70, 76–77 (2008). If confirmed, I would faithfully apply all binding precedent on this issue.

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

Response: The Supreme Court has stated in *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” This question is the subject of pending litigation and may come before me as a district judge if I am confirmed. Accordingly, it would not be appropriate for me to comment further on this issue. *See* Code of Conduct of U.S. Judges, Canon 3A(6). If confirmed, I would faithfully apply all binding precedent on this issue.

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

Response: The Supreme Court recently confirmed that “Congress may vest discretion in executive agencies to implement and apply the laws it has enacted” and “[t]o distinguish between the permissible and the impermissible in this sphere, we have long asked whether Congress has set out an ‘intelligible principle’ to guide what it has given the agency to do.” *Fed. Comm’n’s Comm’n v. Consumers’ Research*, 606 U.S. 656, 672–73 (2025) (internal quotation marks and citations omitted). If confirmed, I would faithfully apply all binding precedent on this issue.

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

Response: If I am confirmed as a district judge, I will faithfully apply all binding Supreme Court precedent. As many nominees have stated before, it is generally improper to rate or give a thumb-up or thumbs-down to any Supreme Court precedent. However, to my knowledge, prior nominees have recognized the holdings of three Supreme Court decisions

as foundational and beyond question: *Marbury v. Madison*, *Brown v. Board of Education*, and *Loving v. Virginia*. As other nominees have said, yes, these three decisions were correctly decided.

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

Response: Yes. *Griswold* addressed a state law prohibiting contraceptives or assisting others from obtaining contraceptives. The Supreme Court held that this state law violated the Fourteenth Amendment.

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

Response: Yes. *Lawrence* addressed a state law that criminalized sexual intimacy between members of the same sex. The Supreme Court held that this state law violated the Fourteenth Amendment.

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

Response: Yes. *Obergefell* addressed a state law that defined marriage as a union between one man and one woman. The Supreme Court held that the Fourteenth Amendment required states to license same-sex marriages on the same terms and conditions as marriages between one man and one woman.

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: Joe Biden was certified as the winner of the 2020 election. To the extent this question seeks to elicit an answer that could be construed as opining on the broader political or policy debate regarding the 2020 presidential election or on statements by any political figure, my response, consistent with the position of prior judicial nominees when asked questions regarding the 2020 election, is that it would be improper to offer any such comment as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

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

Response: Please see my answer 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 answer 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: Donald Trump was certified as the winner of the 2016 presidential election and served his first term as president.

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

Response: Please see my answer to Question 27.a.

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

Response: Donald Trump was certified as the winner of the 2024 presidential election and has been serving his second term as president.

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

Response: Please see my answer 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. Constitutional plainly states “No person shall be elected to the office of the President more than twice”

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: No.

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.

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: Not to my knowledge.

⁴ U.S. CONST. amend. XXII.

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: Not to my knowledge. I do not know who these individuals are.

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: 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: It is inappropriate for a nominee for federal district judge to offer any commentary on political issues or matters of public controversy. *See* Code of Conduct of U.S. Judges, Canon 5.

- 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: In July 2025, I was introduced to Mike Davis by email. Mr. Davis responded by referring me to the White House counsel’s office. I have had no further

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

interaction with Mr. Davis. To my knowledge I have not discussed my nomination to the federal bench with any other official from or anyone else directly associated with A3P.

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

Response: Not to my knowledge.

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

Response: Please see my response to Question 42.b.

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: Persons at the Office of Legal Policy at the U.S. Department of Justice recommended I include cases that highlighted my trial experience.

- 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: No.

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: Please see my response to Question 42.b.

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 have several professional colleagues, acquaintances, and friends who are members of the Federalist Society and have spoken with them during my selection process.

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 prepared a draft response to these questions consulting my records, legal precedent, statutory text, constitutional text, and responses addressing similar questions and issues submitted by other judicial nominees. After receiving feedback from persons at the Office of Legal Policy at the U.S. Department of Justice, I finalized my answers and authorized them to be submitted to the Senate Judiciary Committee. All answers are my own.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nomination Hearing
Questions for the Record for Justin R. Olson

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

Response: No.

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

Response: No.
2. In 2013, you wrote an article in the Indiana Law Journal called “Defining Fetal Life: An Establishment Clause Analysis of Religiously Motivated Informed Consent Provisions” in which you defended mandatory pre-abortion counseling laws premised on the idea of fetal personhood.
 - a. **If a case concerning the concept of fetal personhood comes before you as a federal judge, will you recuse yourself?**

Response: The 2013 Indiana Law Journal Note referenced in Question 2 did not advance or advocate for the idea of “fetal personhood.” This Note “discuss[ed] the extent to which definitions of fetal life as human life are religious conclusions and the possible Establishment Clause implications of such definitions.” *Defining Fetal Life: An Establishment Clause of Religiously Motivated Informed Consent Provisions*, 88 Ind. L.J. 1113, 1117 (2013).

As I explained in my Senate Judiciary Questionnaire, if confirmed, I will recuse myself from any case in which I have been involved, any cases that were opened or filed by the United States Attorney’s Office for the Southern District of Indiana while I was employed there, and any cases that were open or filed by attorneys from Kroger Gardis & Regas, LLP while I worked there. I will also carefully review the recusal statute, the Code of Conduct of U.S. Judges, and any other applicable guidance and authority – including advisory opinions from the Judicial Conference of the United States – to determine on a case-by-case basis whether to recuse myself from a particular matter.

3. In 2010, you published a book review on the topic of presidential constitutionalism. In it, you discuss the limits of presidential power, stating “*the President must limit himself by seeking out Congressional support and by respecting Judicial Review during national crises.*” You argued for “*a renewed commitment to congressional watchfulness over Presidential ambition.*”

a. Do you maintain these same views today?

Response: In 2010, I wrote a book review of Scott Mattheson’s *Presidential Constitutionalism in Perilous Times* that was published in my undergraduate college’s literary magazine, *The Quad*, under the title *Upon the King?!?*. The primary purpose of the book review was to summarize the arguments of Scott Mattheson, about how United States Presidents have exercised their authority in unprecedented times of national crisis. The quotation in Question 3.a. was my attempt to summarize Mattheson’s view of what President’s ought to do in such times, not a statement of my personal belief. Here is the quotation in full context:

Matheson’s interpretation of the division of labor between the governmental branches forces him to place a heavy burden on the conscience of the President. The President must limit himself by intentionally seeking out Congressional support and by respecting Judicial Review during national crises. When necessity behooves him to act prior to Congressional sanction, the president himself must burden his own conscience with the need to seek retroactive judgment from Congress.

The second quotation referenced in Question 3.a. reflected my general understanding as a Senior in college of the importance of our Constitution’s separation of powers and that all three branches of government should be engaged in any national crises within the scope of their enumerated powers. I wrote this book review before going to law school. To the extent that this question asks me to opine on my personal views about the political branches’ exercise of their enumerated powers, it is inappropriate for a nominee for federal district judge to offer any commentary on political issues or to weigh in on how a political branch of government may decide how to fulfill its enumerated powers. See Code of Conduct of U.S. Judges, Canon 5.