November 5, 2026

The Honorable Chuck Grassley
Chairman
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dick Durbin
Ranking Member
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Letter in support of the confirmation of G. Todd Butler for the U.S. Court of Appeals for the Fifth Circuit

We are former law clerks to judges in Mississippi with service on the U.S. Court of Appeals for the Fifth Circuit and the U.S. District Courts within Mississippi. Each of our judges was appointed by a Republican President—from President Ronald Reagan to President Donald J. Trump—and we write in strong support of native-Mississippian Todd Butler's confirmation to the Fifth Circuit. Many of us are Federalist Society members and served for elected officials in Mississippi or Washington, including the Administrations of President Trump. Below our signatures, we each identify our judicial clerkship(s) and other public service.

Todd's personal humility, strength of character and dedication to faith, family, and those in his personal and professional circles always stood out to each of us—whether we were born and raised in Mississippi like him, or we were guests in that great state during our clerkships. Frequently, we have looked to Todd as a mentor or the source of, or recipient of, a legal referral, and he is a constant source of sound advice and friendship.

Todd follows a proud tradition of other judges like Fifth Circuit Judge Edith H. Jones, appointed to the bench after a distinguished career as a lawyer in private practice. Todd has presented oral argument more than 20 times in appellate courts, is well-known to the judges on the Fifth Circuit, and has tried cases to judges, juries, and arbitrators. Like us, Todd shares the conviction that judges should interpret, not make, the law, and be courageous when deciding cases in line with textualism and originalism. His body of work in appellate, employment, constitutional and other matters for clients reflects this. As just one example, in successfully opposing a marijuana referendum on behalf of a client, Todd's brief to the Mississippi Supreme Court "scorch[ed] purposivism"—in the words of Mike Fragoso, former Chief Counsel to the Republican Leader —and offered a full-throated defense of textualism that relied on the academic and judicial work of Justices Antonin Scalia, Amy Coney Barrett, Neil Gorsuch, and

Fifth Circuit Judge Andrew Oldham and Sixth Circuit Judge Amul Thapar.[1]

Todd served as one of Judge Leslie H. Southwick's earliest law clerks on the Fifth Circuit and has been a leader among those former clerks and other Jackson-based judicial chambers, such as those of Judge Cory T. Wilson, Judge Rhesa H. Barksdale, the late Judge E. Grady Jolly and beyond, alongside other distinguished former clerks such as former Mississippi Solicitor General and current U.S. District Court Judge Kristi H. Johnson.

As President Trump said in announcing his nomination, Todd "has been a strong defender of Law Enforcement throughout his career."[2] When police and other law enforcement officers have been challenged for doing their job to keep America safe, Todd has dedicated his formidable legal talents to successfully defending them in Section 1983 lawsuits.

Churches, municipalities, and businesses across the State of Mississippi trust Todd as their counsel and advocate: he routinely represents cities from Grenada to Brandon and serves as outside employment counsel for some of the largest churches in Mississippi, implicating issues like the First Amendment's ministerial exception. Todd also advises employers on various issues, including how to accommodate employees' religious beliefs.

We urge Todd's swift confirmation to the Fifth Circuit, where we are confident he will faithfully interpret the law and be a credit to the Constitution and to those who support him.

Respectfully,

FORMER FIFTH CIRCUIT CLERKS

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Mallory K. Bland
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[1] *See In Re Initiative Measure No. 65 et al. v. Watson*, No. 2020-IA-0199-SCT (Miss.), Brief of *Amicus Curiae* The Mississippi State Department of Health; Oct. 2, 2026 @mike_frags X post.
[2] Oct. 1, 2026 @realDonald Trump Truth Social post.

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