UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Thomas Elliot Gaiser

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Northern District of Texas

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20530

Residence: Alexandria, Virginia

4. **Birthplace**: State year and place of birth.

1989; Parma, Ohio

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2014 – 2016, The University of Chicago Law School; J.D. (2016)

2013 – 2014, The Ohio State University, Moritz College of Law (no degree conferred)

2008 – 2012, Hillsdale College; B.A. (*magna cum laude*) (2012)

2007 – 2008, Cuyahoga Community College (no degree conferred)

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2025 – Present
United States Department of Justice
Office of Legal Counsel
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20530
Assistant Attorney General (August 2025 – Present)

2023 – 2025; 2015
Ohio Attorney General
Office of the Solicitor General
30 East Broad Street
Columbus, Ohio 43215
Solicitor General (2023 – 2025)
Appeals Section Law Clerk (August 2015 – September 2015)

2023 – 2025
The Ohio State University, Moritz College of Law
55 West 12th Avenue
Columbus, Ohio 43210
Lecturer in Law

2022 – 2023
Jones Day
325 John H. McConnell Boulevard, Suite 600
Columbus, Ohio 43215
Associate

August 2022
Hillsdale College
33 East College Street
Hillsdale, Michigan 49242
Lecturer

2021 – 2022
Justice Samuel A. Alito, Jr.
Supreme Court of the United States
One First Street, N.E.
Washington, District of Columbia 20543
Law Clerk

2019 – 2021
Boyden Gray, PLLC
800 Connecticut Avenue, N.W.
Washington, District of Columbia 20006
Associate

April 2019 – August 2019
Honorable Neomi Rao
United States Circuit Court for the District of Columbia
333 Constitution Avenue, N.W.
Washington, District of Columbia 20001
Law Clerk

2017 – 2019
Gibson Dunn
1700 M Street, N.W.
Washington, District of Columbia 20036
Associate

2016 – 2017
Honorable Edith Jones
United States Circuit Court for the Fifth Circuit
515 Rusk Street
Houston, Texas 77002
Law Clerk

Spring 2016
University of Chicago
1010 East 59th Street
Chicago, Illinois 60637
Teaching Assistant

May 2015 – August 2015
Cleary Gottlieb Steen & Hamilton LLP
2112 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20037
Summer Associate

January 2013 – August 2013
The Heritage Foundation
214 Massachusetts Avenue, N.E.
Washington District of Columbia 20002
Graduate Fellow (June 2013 – August 2013)
Intern (January 2013 - May 2013)

October 2012 – November 2012
Romney Readiness Project, Inc.
No longer extant
Intern

June 2012 – March 2013
Altus Technologies Corporation

6100 Oak Tree Boulevard, Suite 200
Independence, Ohio 44131
Communications Coordinator

Uncompensated Affiliations:

2023 – 2025
Forge Leadership Network
707 Miamisburg Centerville Road
Dayton, Ohio 45459
Board Member

2020 – 2025
Hillsdale College Alumni Association
33 East Broad Street
Hillsdale, Michigan 49242
Board Member

June 2014 – August 2014
United States Circuit Court for the Sixth Circuit
100 East Fifth Street
Cincinnati, Ohio 45202
Extern to the Honorable Alice M. Batchelder

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I registered for the selective service upon turning 18.

8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

The Club for Growth Foundation Fellowship (2025)

The Heritage Foundation's Distinguished Intern Alumni Award (2024)

Public Interest Fellowship Antonin Scalia Fellowship (2019 – 2020)

Claremont Institute John Marshall Fellowship (2016)

University of Chicago Law School Bradley Foundation Fellowship (2015 – 2016)

Selected for *The Ohio State Law Journal* (2014)

Alliance Defending Freedom Blackstone Legal Fellowship (2014)

Hillsdale College
Degree conferred *magna cum laude* (2012)
Political Economy Departmental Honors (2012)
Speech Studies Departmental Honors (2012)
Dow Journalism Program (2011 – 2012)
Edward Everett Prize in Oratory (2010)
Pi Kappa Delta Debate Honorary (2009 – 2012)
Mu Alpha Music Honorary (2009 – 2012)
Dean's List (2009 – 2012)
Bach Endowment Cello Scholarship (2008 – 2012)
Presidential Scholarship (2008 – 2012)

Cuyahoga Community College
Student Leadership Award (2008)
History Honorary Award (2008)

9. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Ohio State Bar Association (2022 – 2025)

American Bar Association
Student Representative, The Ohio State University Moritz College of Law (2013 – 2014)

10. **Bar and Court Admission**:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Ohio, 2016

District of Columbia, 2018

My membership in the District of Columbia bar lapsed during my clerkship at the Supreme Court when I was not practicing law, but I resumed active membership in 2023.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2024
United State Court of Appeals for the District of Columbia Circuit, 2024

United States Court of Appeals for the First Circuit, 2025
United States Court of Appeals for the Fourth Circuit, 2024
United States Court of Appeals for the Fifth Circuit, 2023
United States Court of Appeals for the Sixth Circuit, 2023
United States Court of Appeals for the Seventh Circuit, 2018
United States Court of Appeals for the Seventh Circuit, 2024
United States Court of Appeals for the Tenth Circuit, 2024
United States Court of Appeals for the Eleventh Circuit, 2024
United States District Court for the Southern District of Ohio, 2023
United States District Court for the Eastern District of Michigan, 2020
United States District Court for the District of North Dakota, 2024
United States District Court for the District of Columbia, 2020
Ohio, 2016
District of Columbia, 2018

To the best of my knowledge, all of these admissions remain current and there have been no lapses in membership.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Compass (2020 – Present)

Hillsdale College Alumni Association (2020 – Present)

Teneo (2017 – Present)

The Edmund Burke Society (2014 – Present)

The Federalist Society (2013 – Present)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion, or national

origin either through formal memberships requirements or the practical implication of membership policies.

12. **Published Writings and Public Statements**:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following.

With Joshua Craddock, *Should a Church Lose Its Funding for Saying Grace?*, Wash. Examiner (Sept. 1, 2026). Copy supplied.

With Joshua Craddock, *Putting the Civil Rights Act Back on Track*, Wash. Post (July 10, 2026). Copy supplied.

With Mathura Sridharan & Nicholas Cordova, *The Truth of Erasure: Universal Remedies for Universal Agency Actions*, U. Chi. L. Rev. Online (Aug. 28, 2024). Copy supplied.

Fill the Empty Chair, World (July 11, 2024). Copy supplied.

Three Things I Learned from Boyden Gray, RealClearPolitics (May 25, 2023). Copy supplied.

National Politics Turns to the Transgender Question, WORLD (Apr. 10, 2023). Copy supplied.

With James R. Conde, *How Trump Could Use the Pardon Power to Provide COVID-19 Regulatory Relief*, Newsweek (Sept. 3, 2020). Copy supplied.

What Tucker Carlson Gets Right About Free Speech, Townhall (June 22, 2020). Copy supplied. Published the same date at the Federalist under the title *The Woke Mob Slavering After Tucker Carlson's Job Are Proving Him Right.*

We Need Wisdom to Quench the False Choices Consuming Our Nation, Newsweek (May 30, 2020). Copy supplied.

A Burst of Light, Am. Mind (Apr. 28, 2020). Copy supplied.

Middle Management Matters, Christianity Today (Feb. 10, 2020). Copy supplied.

Kansas' Judges Should Be Recalled Before They Do Any Further Harm, PJMedia, (Aug. 24, 2016). Copy supplied.

Justice Clarence Thomas at Hillsdale: Fulfill the Obligations of Freedom to Become Beacons of Light, Ethics & Religious Liberty Comm'n (July 7, 2016). Copy supplied.

From the Front Lines in Indiana, Resurgent (May 3, 2016). I have been unable to locate a copy of this article, which involved a first-hand description of talking to voters in Indiana in the 2016 Republican primary about their concerns.

Fiorina The Force Multiplier, PJ Media (Apr. 27, 2016). Copy supplied.

Four Reasons Republicans Should Rejoice at Cruz Beating Trump, PJ Media (Apr. 8, 2016). Copy supplied.

The Contested Convention Cartel Crumbles: What Michigan Said About Ohio and Florida, PJ Media (Mar. 10. 2016). Copy supplied.

Why Cruz v. Trump Is Better for the GOP than 'Trump Against the Field', PJ Media (Mar. 5, 2016). Copy supplied.

Trump's 'Nimble Navigator' Squished by Cruz, Rubio in Fox Debate, PJ Media (Mar. 3, 2016). Copy supplied.

Three Reasons a 'Cruzio' Ticket Needs to Happen, PJ Media (Mar. 2, 2016). Copy supplied.

13 Reasons Millennials Should Vote FOR Bernie Sanders, PJ Media (Feb. 8, 2016). Copy supplied.

Cruz's Iowa Win in Part Due to Culture of Kindness and Courage at Campaign HQ, PJ Media (Feb. 5, 2016). Copy supplied.

Millennials' Politically Uncertain Trumpet, PJ Media (Jan. 28, 2016). Copy supplied.

Trump's Bread and Circuses . . . For the Elites, PJ Media (Jan. 26, 2016). Copy supplied.

'National Review' Dumps on Trump, PJ Media (Jan. 21, 2016). Copy supplied.

A Conservative Millennial's Debate Takeaways, PJ Media (Jan. 16, 2016). Copy supplied.

David Brooks Is Wrong About Ted Cruz, Federalist (Jan. 14, 2016). Copy supplied.

With Virginia Phillips, *Despite Gratuity, 'Game of Thrones' Still Moralizes Sex*,

Federalist (Apr. 18. 2015). Copy supplied.

900,000 Reasons Obamacare Is Bad: Moving Americans from Work to Welfare, Daily Signal (Aug. 5, 2013). Copy supplied.

Want to Rebuild Opportunity, Mr. President? Start with Welfare Reform, Daily Signal (July 31, 2013). Copy supplied.

101 Million Americans Received Food Aid Last Year, Daily Signal (July 18. 2013). Copy supplied.

Aaron Schock: Young People Embrace Individual Responsibility, America's Future (July 18, 2013). Copy supplied.

Seven Reasons to Reform Food Stamps, Daily Signal (July 4, 2013). Copy supplied.

Sequestration? What Sequestration?, Daily Signal (July 2, 2013). Copy supplied.

National Employee Freedom Week: Informing Workers of Their Rights, Daily Signal (June 29. 2013). Copy supplied.

Food Stamps Don't Stimulate Economic Growth, Daily Signal (June 6, 2013). Copy supplied.

The Facts about Food Stamps Everyone Should Hear, Daily Signal (May 27, 2013). Copy supplied.

Social Security Benefits and Cost of Living: Protecting Against Inflation, Daily Signal (May 22, 2013). Copy supplied.

States Expand Welfare Drug Testing, Daily Signal (May 17, 2013). Copy supplied.

Big Government Isn't Compassionate, America's Future (May 7, 2013). Copy supplied.

Senate Chaplain Barry Black: If There's One Place Prayer Is Needed, It's Capitol Hill, Daily Signal (May 2, 2013). Copy supplied.

Internet Sales Tax Hits Fastest-Growing Industries, Daily Signal (Apr. 30, 2013). Copy supplied.

Internet Sales Tax: Here Come the Auditors, Daily Signal (Apr. 29. 2013). Copy supplied.

10 Reasons These Democrats Oppose the Internet Sales Tax, Daily Signal (Apr. 24, 2013). Copy supplied.

Elliot Gaiser, *WATCH: Conservative Congressmen Talk Immigration, Budget* (Apr. 24, 2013), https://web.archive.org/web/20190615024231/https://www.dailysignal.com/2013/04/24/watch-live-conservative-congressmen-talk-immigration-budget/ [the video no longer appears to work, but my writing is available].

Internet Sales Tax Hits Consumers Online, Daily Signal (Apr. 22, 2013). Copy supplied.

DeMint on Immigration: "Incomprehensible, Comprehensive Bills" Not the Solution, Daily Signal (Apr. 20, 2013). Copy supplied.

North Korea's Smuggling Ring, Daily Signal (Apr. 11, 2013). Copy supplied.

Larry Arnn: Reclaim First Principles, Daily Signal (Apr. 6, 2013). Copy supplied.

Dumping Welfare Work Requirements Is Not Innovation, Daily Signal (Apr. 4, 2013). Copy supplied.

Elliot Gaiser, *VIDEO: North Korea Is Capable of "Incredible Destruction"* (Apr. 3, 2013), https://web.archive.org/web/20180523005232/http://dailysignal.com/2013/04/03/video-north-korea-is-capable-of-incredible-destruction/ [the video no longer appears to work, but my writing is available].

Obamacare Causes Doctor to Retire, Daily Signal (Apr. 2, 2013). Copy supplied.

Five Reasons to Reform Welfare . . . Again, Am. Spectator (Mar. 29, 2013). Copy supplied. The webpage attribution contains an error; I wrote this article.

Obama Ignores 85,933 Ideas to Save Money, Daily Signal (Mar. 28, 2013). Copy supplied.

Elliot Gaiser, *VIDEO: Government Red Tape Leaves Illinois Man on Verge of Bankruptcy* (Mar. 27, 2013), https://web.archive.org/web/20191209003347/https://www.dailysignal.com/2013/03/27/government-red-tape-leaves-illinois-man-on-verge-of-bankruptcy/.

With Romina Boccia, *Three Reasons for Social Security to Use Chained CPI*, RealClearPolitics (Mar. 26, 2013). Copy supplied.

Marriage: Children, Freedom, and a Crucial Debate, Daily Signal (Mar. 23, 2013). Copy supplied.

Elliot Gaiser, *What Is Vote-a-Rama? Watch Our Google+ Hangout at Noon ET Today* (Mar. 22, 2013), https://web.archive.org/web/20191209003445/https://www.dailysignal.com/2013/03/22/what-is-vote-a-rama-watch-our-google-hangout/.

Elliot Gaiser, *Former Czech President Vaclav Klaus: Europe Needs "Paradigm Change"*

(VIDEO) (Mar. 20, 2013), https://web.archive.org/web/20170128111525/http://www.dailysignal.com/2013/03/20/former-czech-president-vaclav-klaus-europe-needs-paradigm-change/.

Heritage, Cato, AEI Presidents: Conservatives Must Communicate Care, Unity, Daily Signal (Mar. 19, 2013). Copy supplied.

Chart of the Week: The States That Have Expanded Medicaid, Daily Signal (Mar. 13, 2013). Copy supplied.

Obama Budget to Be Submitted Even Later, Daily Signal (Mar. 8, 2013). Copy supplied.

The United States of...Europe? (VIDEO) (Mar. 8, 2013), https://web.archive.org/web/20191209003817/https://www.dailysignal.com/2013/03/08/the-united-states-ofeurope-video/ [the video no longer appears to work, but my writing is available].

Pandora Radio Founder: Applying Musical Innovation Through Entrepreneurship, Daily Signal (Mar. 7, 2013). Copy supplied.

TSA Spends $50 Million on Uniforms Just Before Sequestration, Daily Signal (Mar. 6, 2013). Copy supplied.

Chart of the Week: The Impact of an Aging America, Daily Signal (Mar. 3, 2013). Copy supplied.

Environmental Protection Agency: No Room for Sequestration Cuts?, Daily Signal (Feb. 28, 2013). Copy supplied.

Millennials: How the Debt Impacts Us, Daily Signal (Feb. 28, 2013). Copy supplied.

With Christian McNally, *Department of Energy: No Room for Sequestration Cuts?*, Daily Signal (Feb. 28, 2013). Copy supplied.

National Institutes of Health: No Room for Sequestration Cuts?, Daily Signal (Feb. 26, 2013). Copy supplied.

Education: No Room for Sequestration Cuts?, Daily Signal (Feb. 25, 2013). Copy supplied.

Chart of the Week: Sequestration Cuts 2.4 Percent out of Total Spending, Daily Signal (Feb. 24, 2013). Copy supplied.

TSA: No Room for Sequestration Cuts?, Daily Signal (Feb. 22, 2013). Copy supplied.

Elliot Gaiser, *Video: Coolidge Proves Limited Government a Winning Strategy* (Feb. 22, 2013), https://web.archive.org/web/20250715134727/https://www.dailysignal.com/

2013/02/22/video-coolidge-proves-limited-government-a-winning-strategy.

Climate Protestors Rally Against Keystone XL Pipeline, Daily Signal (Feb. 20, 2013). Copy supplied.

Limiting Fracking Limits Affordable Energy and Jobs, Daily Signal (Feb. 20, 2013).

Chart of the Week: High Public Debt Damages Economic Growth, Daily Signal (Feb. 16, 2013). Copy supplied.

Obama's State of the Union: A Broken Record, Daily Signal (Feb. 14, 2013). Copy supplied.

Valentine's Day Treat: Continued Marriage Tax Penalties, Daily Signal (Feb. 14, 2013). Copy supplied.

Rep. Tom Price: Obama Needs to "Press the Reset Button", Daily Signal (Feb. 13, 2013). Copy supplied.

Free-Market Opportunities Propel North Dakota to Top Job Creator, Daily Signal (Feb. 8, 2013). Copy supplied.

Argentina's Terrible Week: IMF Censure, Price Controls, and Court Rulings, Daily Signal (Feb. 8, 2103). Copy supplied.

Elliot Gaiser, *VIDEO: Gov. Rick Snyder's Customer-Service Approach to Government* (Feb. 7, 2013), https://web.archive.org/web/20191209004538/https://www.dailysignal.com/2013/02/07/video-gov-rick-snyders-customer-service-approach-to-government/.

Elliot Gaiser, *VIDEO: Rand Paul on the Rise of Islamic Radicalism* (Feb. 6, 2013), https://web.archive.org/web/20160304171712/http://dailysignal.com/2013/02/06/video-rand-paul-on-the-rise-of-islamic-radicalism

Eric Cantor Speaks on American Opportunity, Daily Signal (Feb. 5, 2013). Copy supplied.

Rand Paul on Restoring the Founders' Vision of Foreign Policy, Daily Signal (Feb. 5, 2013). Copy supplied.

Chart of the Week: The Health Benefits of Marriage, Daily Signal (Feb. 4, 2013). Copy supplied.

New Zealand: A Renewed Commitment to Freedom, Daily Signal (Feb. 2, 2013). Copy supplied.

National School Choice Week – Artur Davis: School Choice Is About "Basic Principles",

Daily Signal (Jan. 30, 2013). Copy supplied.

WATCH: Artur Davis on School Choice and Education Reform (Jan. 28, 2013). Copy supplied.

Don't Gut Our Military: $150 Billion in Commonsense Proposals to Prevent Sequestration, Daily Signal (Jan. 28, 2013). Copy supplied.

Chart of the Week: Union Membership Continues to Decline, Daily Signal (Jan. 27, 2013). Copy supplied.

Population Control, Updated: Global Tax-Funded Abortion, Daily Signal (Jan. 25, 2013). Copy supplied.

Conversations with Conservatives: Congressmen Weigh in on Debt Ceiling Deal (VIDEO) (Jan. 23, 2013), http://web.archive.org/web/20240307135410/ http://www.dailysignal.com/2013/01/23/conversations-with-conservatives-congressmen-weigh-in-on-debt-ceiling-deal-video/ [the video no longer appears to work, but my writing is available].

Chile's Strong Economy: A Case of Positive Policy and Freedom, Daily Signal (Jan. 23, 2013). Copy supplied.

Chart of the Week: Each American's Share of Debt Is Skyrocketing, Daily Signal (Jan. 21, 2013). Copy supplied.

Three Silver Linings in the Obamacare Ruling, Daily Caller (June 29, 2012). Copy supplied.

Single, Sunburned, and Stronger for It, Collegian (Hillsdale College) (Apr. 19, 2012). Copy supplied.

Q&A: Jessica Guertin, Collegian (Hillsdale College) (Apr. 12, 2012). Copy supplied.

Nothing to See in This Mirror, Collegian (Hillsdale College) (Apr. 5, 2012). Copy supplied.

Q&A: Blake Scott, Collegian (Hillsdale College) (Apr. 5, 2012). Copy supplied.

Choose Good Principles, not "Good Men", Collegian (Hillsdale College) (Mar. 29, 2012). Copy supplied.

Q&A: Scott Lantis, Collegian (Hillsdale College) (Mar. 29, 2012). Copy supplied.

Improv Troupe a Hilarious Outlet for Students, Collegian (Hillsdale College) (Mar. 29, 2012). Copy supplied.

CCA Wraps Up, Collegian (Hillsdale College) (Mar. 15, 2012). Copy supplied.

"Honeymooning in Milledgeville and Other Literary Travels:" Maier to Share Love for Authors' Homes, Collegian (Hillsdale College) (Feb. 29, 2012),

Q&A: Amanda Putt, Collegian (Hillsdale College) (Feb. 23, 2012). Copy supplied.

Q&A: Nate English, Collegian (Hillsdale College) (Feb 16, 2012). Copy supplied.

Q&A with Daniel Hannan: True Conservatism and Roger Scruton, Collegian (Hillsdale College) (Feb. 16, 2012). Copy supplied.

Cashore Marionettes, Collegian (Hillsdale College) (Feb 2, 2012). Copy supplied.

"Liberty Intrigue", Collegian (Hillsdale College) (Feb. 2, 2012) (reviewing Tom Grace, Liberty Intrigue (2012)). Copy supplied.

Q&A: Chelsea Wackernagel, Collegian (Hillsdale College) (Jan. 26, 2012). Copy supplied.

149 Students March for Life, Solidarity, Hope, Collegian (Hillsdale College) (Jan. 26, 2012). Copy supplied.

The Collegian Weekly, Collegian (Hillsdale College) (Jan. 21, 2012). Copy supplied.

Q & A: Chelsea Harrison, Collegian (Hillsdale College) (Dec. 7, 2012). Copy supplied.

With Cameron Parker, Aaron Marcus & Vishal Ganesan, *GOP Post-Game: Gingrich has a Good Night*, College Fix (Nov. 22, 2011). Copy supplied.

Let Silent Cal Stand, Collegian (Hillsdale College) (Oct. 20, 2011). I have been unable a copy of this article in which I argued Hillsdale College should erect a statue of President Calvin Coolidge.

Trump's China Tax is a Bad Idea, Daily Caller (Aug. 19, 2011). Copy supplied.

Food Police Are Stifling Free Speech in the Name of 'Freedom', Daily Caller (Aug. 2, 2011). Copy supplied.

Preliminary Yeas and Nays on Debt Deal, Daily Caller (Aug. 1, 2011). Copy supplied.

Second Amendment Battle Lines Drawn over Oslo Massacre, Daily Caller (July 26, 2011). Copy supplied.

Long-Term Trends: Delayed Retirement, Youth Unemployment, Daily Caller (July 22, 2011). Copy supplied.

Choosing Friends with Principles, Collegian (Hillsdale College) (Apr. 28, 2011). Copy supplied.

Predictions from CPAC Don't Work, Collegian (Hillsdale College) (Mar. 10, 2011). Copy supplied.

Hillsdale College Republicans President Quotes Morton Blackwell's Theory on winning the Senate (Oct. 12, 2010). I have been unable to locate a copy of this article, where I discussed the possibility that the Republican party would take control of the Senate in 2010 based on the Tea Party's enthusiasm. I do not recall in what publication this article was published.

GOP Must Return to Fundamental Roots, Collegian (Hillsdale College) (Nov. 5. 2010). Copy supplied.

Relay for Life: to Fund or not to Fund?, Collegian (Hillsdale College) (Sept. 16, 2010). Copy supplied.

College Repubs Will Defend the Great Republic, Collegian (Hillsdale College) (Feb. 11, 2010). Copy supplied.

How to Lose a War, Collegian (Hillsdale College) (Oct. 1, 2009). Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Published Opinions of the Office of Legal Counsel:

Application of 18 U.S.C. § 922(b)(1) and (c)(1) to Young Adults, Mem. Op. for the Attorney General, Sept. 17, 2026. Copy supplied.

Whether the Departure of an Interim United States Attorney Restarts the Authorized Period of Acting Service Under the Federal Vacancies Reform Act of 1998, Mem. Op. for the Attorney General, Sept. 4, 2026. Copy supplied.

Constitutionality of Religious Restrictions on the Use of Federal Funds, Mem. Op. for the Director of the Office of Civil Rights for the Department of Health and Human Services, Aug. 25, 2026. Copy supplied.

Constitutionality of the Foreign Service Grievance Board's Oversight Authority, Mem. Op. for the Legal Adviser for the Department of State, Aug. 20, 2026. Copy supplied.

Applicability of Executive Privilege to Presidential Communications with Private Advisers, Mem. Op. for the Counsel to the President, Aug. 10, 2026. Copy supplied.

Application of the No TikTok on Government Devices Act to the TikTok USDS Joint Venture, Mem. Op. for the Deputy Counsel to the President, July 16, 2026. Copy supplied.

Constitutionality of Disparate-Impact Liability Under Title VII, Mem. Op. for the Chair of the U.S. Equal Employment Opportunity Commission, June 9, 2026. Copy supplied.

Whether FCC's Lifeline Program is a Benefit Subject to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Mem. Op. for Brendan Carr, Chairman of the Federal Communications Commission, May 28, 2026. Copy supplied.

Constitutionality of the Presidential Records Act, Mem. Op. for the Counsel to the President, Apr. 1, 2026. Copy supplied.

Preemptive Effect of Defense Production Act Order on State Law, Mem. Op. for the General Counsel of the Department of Energy, Mar. 3, 2026. Copy supplied.

Harmonizing the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and Section 214 of the Housing and Community Development Act of 1980, Mem. Op. for the General Counsel of the Department of Housing and Urban Development, Feb. 18, 2026. Copy supplied.

Constitutionality of 18 U.S.C. § 1715, Mem. Op. for the Attorney General, Jan. 15, 2026. Copy supplied.

[Redacted] *Proposed War Department Operation to Support Law Enforcement Efforts in Venezuela*, Mem. for Legal Advisor, National Security Council, Dec. 23, 2025. Copy supplied.

Interpretation of "Federal Means-Tested Public Benefit" in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Mem. Op. for the Deputy General Counsel of the Department of Health and Human Services, Dec. 16, 2025. Copy supplied.

Constitutionality of Race-Based Department of Education Programs, Mem. Op. for the Acting General Counsel of the Department of Education, Dec. 2, 2025. Copy supplied.

Whether the Consumer Financial Protection Bureau May Continue to Draw Funds from the Federal Reserve System Under 12 U.S.C. § 5497 When the Federal Reserve System Is Operating at a Loss, Mem. Op. for the Acting Director of the Consumer Financial Protection Bureau, Nov. 7, 2025. Copy supplied.

Detailing Attorneys to the Department of Justice to Serve as Immigration Judges and Special Assistant United States Attorneys, Mem. Op. for the General Counsel of the Department of War, Oct. 23, 2025. Copy supplied.

The Merit Systems Protection Board's Authority to Adjudicate Constitutional Questions within an Administrative Proceeding, Mem. Op. for the Counsel to the President, Sept. 26, 2025. Copy supplied.

Letters:

Letter to Hon. Charles Grassley, Chairman, and Hon. Richard Durbin, Ranking Member, Committee on the Judiciary, United States Senate, Supporting Nomination of Zach West to the United States District Court for the Northern District of Oklahoma (Sept. 11, 2026). Copy supplied.

Letter to Hon. John Thune, Majority Leader, and Hon. Charles Schumer, Minority Leader, Supporting Nomination of Todd Blanche to be Attorney General (Aug. 7, 2026). Copy supplied.

Letter to Hon. John Thune, Majority Leader and Hon. Charles Schumer, Minority Leader, United States Senate, and Hon. Charles Grassley, Chairman, and Hon. Richard Durbin, Ranking Member, Committee on the Judiciary, United States Senate, Supporting Nomination of Matthew A. Schwartz to be United States Circuit Judge for the Third Circuit (May 19, 2026). Copy supplied.

Letter to Hon. Charles Grassley, Chairman, and Hon. Richard Durbin, Ranking Member, Committee on the Judiciary, United States Senate, Supporting Nomination of Benjamin Flowers to be United States Circuit Judge for the Sixth Circuit (May 5, 2026). Copy supplied.

Letter to Hon. Charles Grassley, Chairman, and Hon. Richard Durbin, Ranking Member, Committee on the Judiciary, United States Senate, Supporting Nomination of Michael J. Hendershot to be United States District Judge for the Northern District of Ohio (Apr. 20, 2026). Copy supplied.

Letter to Hon. Charles Grassley, Chairman, and Hon. Richard Durbin, Ranking Member, Committee on the Judiciary, United States Senate, Supporting Nomination of Katie Lane to be United States District Judge for the District of Montana (Mar. 11, 2026). Copy supplied.

Letter to Hon. Charles Grassley, Chairman, and Hon. Richard Durbin, Ranking Member, Committee on the Judiciary, United States Senate, Supporting Nomination of Eddie LaCour to be United States District Judge for the Northern District of Alabama (Aug. 27, 2025). Copy supplied.

Congressional Testimony:

Confirmation Hearing to Serve as Assistant Attorney General for the Office of Legal Counsel, United States Department of Justice, Committee on the Judiciary, United States Senate, May 21, 2025. Video available at https://www.judiciary.senate.gov/committee-activity/hearings/05/21/2025/nominations. Copy of responses to Questions for the Record supplied.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best effort to identify the public speeches, talks, and remarks that I have delivered. To compile the list, I consulted my own files and Internet searches. There may, however, have been speeches, talks or remarks that I have been unable to recall or identify, and I have occasionally spoken at informal events for which I did not retain any record.

October 14, 2026: Speaker, "Advising the Executive: AAG Gaiser on the Work of OLC," Yale Federalist Society Student Chapter, New Haven, Connecticut. I spoke about the work of the Office of Legal Counsel. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

October 13, 2026: Speaker, "Advising the Executive: AAG Gaiser on the Work of OLC," Columbia Federalist Society Student Chapter, New York, New York. I spoke about the work of the Office of Legal Counsel. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

September 25, 2026: Speaker, Remarks, Law Review Symposium: "The Presidency on Trial: Checks, Balances, and the Modern Executive," Regent University Law Review, Virginia Beach, Virginia. I spoke about federal Executive power. I have no notes, transcript, or recording, although the Law Review may have recorded the program. The address of Regent University Law Review is 1000 Regent University Drive, Virginia Beach, Virginia 23464.

September 19, 2026: Panelist, "Executive War Powers in the Modern Era: Domestic and International Dimensions," Federalist Society 2026 Texas Chapters Conference, Arlington, Texas. I spoke about the Executive Branch's war powers. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W. Suite 300, Washington, District of Columbia 20006.

September 9, 2026: Speaker, "Insight into the President's Office of Legal Counsel with Elliot Gaiser and Mark Kubisch," Pepperdine Federalist Society Student Chapter, Malibu, California. I spoke about the work of the Office of Legal Counsel. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W. Suite 300, Washington, District of Columbia 20006.

September 3, 2026: Speaker, Remarks, Hillsdale College Federalist Society Student Chapter, Hillsdale, Michigan. I spoke about the work of the Office of Legal Counsel. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W. Suite 300, Washington, District of Columbia 20006.

June 18, 2026: Speaker, Remarks at the Investiture of Chair Andrea Lucas of the Equal Employment Opportunity Commission, Washington, District of Columbia. Recording supplied.

June 12, 2026: Speaker, "Separation of Powers in Action," Federalist Society Columbus Lawyer Chapter, Columbus, Ohio. Notes supplied.

June 1, 2026: Speaker, Remarks, 2026 Summer Speaker Program, United States District Court for the District of Columbia, Washington, District of Columbia. I spoke about the work of the Office of Legal Counsel. I have no notes, transcript, or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, District of Columbia 20001.

May 20, 2026: Speaker, Forge Leadership Network, Washington, District of Columbia. I spoke about the work of the Office of Legal Counsel. I have no notes, transcript, or recording. The address of the Forge Leadership Network Alumni is 707 Miamisburg-Centerville Road, Dayton, Ohio 45459.

May 6, 2026, Speaker, Center for Christian Virtue, Washington, District of Columbia. Notes supplied.

April 24, 2026: Speaker, "Separation of Powers in Action," Chicago Federalist Society Student Chapter. Notes supplied.

April 16, 2026: Panelist, "Legal & Policy Frameworks for American AI Development," The Palantir Foundation, Yale University, New Haven, Connecticut. Notes supplied. Recording available at https://vimeo.com/1187774019?fl=ml&fe=ec.

February 18, 2026: Speaker, Remarks, National Defense University. I spoke about the

work of the Office of Legal Counsel and recent opinions. I have no notes, transcript, or recording. The address of the National Defense University is 300 5th Avenue, S.W., Building 62, Washington, District of Columbia 20319.

February 12, 2026: Speaker, "Celebrating a Year of 47," Republican National Lawyers Association Young Lawyer's Chapter Reception, Washington, District of Columbia. Notes supplied.

October 20, 2025: Speaker, Remarks, Catholic University of America Chapter of the Federalist Society. I spoke about the work of the Office of Legal Counsel and recent opinions. I have no notes, transcript, or recording. The address of the Catholic University of America is 620 Michigan Avenue, N.E., Washington, District of Columbia 20064.

September 18, 2025: Speaker, "Remarks," Values Action Team, Washington, District of Columbia. Notes supplied.

April 4, 2025: Host, "Fireside Chat with Justice DeWine," Federalist Society Ohio Lawyers Chapter, Columbus, Ohio. Recording available at https://www.youtube.com/watch?v=ZLolvUribPY.

March 13, 2025: Panelist, "Solicitor General Roadshow," Yale Federalist Society Student Chapter, New Haven, Connecticut. I discussed my journey to being appointed Solicitor General of Ohio, as well as the benefits of public service in state government. I have no notes, transcript or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

March 12, 2025: Panelist, "Solicitor General Roadshow," Columbia Federalist Society Student Chapter, New York, New York. I discussed my journey to being appointed Solicitor General of Ohio, as well as the benefits of public service in state government. I have no notes, transcript or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

January 9, 2025: Panelist, "Fireside Chat with Trailblazers," The Heritage Foundation: Awakening Conference, Sea Island, Georgia. I discussed my general duties as a Solicitor General and the importance of the separation of powers and federalism to the preservation of individual liberty. I have no notes transcript or recording. The address of the Heritage Foundation is 214 Massachusetts Avenue, N.E., Washington, District of Columbia 20001.

December 9, 2024: Speaker, "Intern Alumni Award Acceptance," The Heritage Foundation, Washington, District of Columbia. Notes supplied.

November 14, 2024: Speaker, "Elliot Gaiser at NLC 2024," Federalist Society National Lawyers Convention, Washington, District of Columbia. Recording available at https://www.youtube.com/shorts/altbjRWnY20.

November 14, 2024: Panelist, "Special Solicitude: Lawsuits Against the Executive Branch and Their Futures," Federalist Society National Lawyers Conference, Washington, District of Columbia. Recording available at https://www.youtube.com/watch?v=7srI9xA2C_Y.

November 13, 2024: Debater, Georgetown Law Daniel Webster Debate Series: "Should Courts Issue Nationwide Injunctions?," Georgetown Law School, Washington, District of Columbia. Recording available at https://www.youtube.com/watch?v=t9EtqNE7Pwk.

October 16, 2024: Participant, "Fireside Chat with Solicitors General T. Elliot Gaiser and Eric Wessan: Preserving Judicial Independence in a Time of Political Division," Federalist Society, Washington, District of Columbia. Recording available at https://fedsoc.org/conferences/preserving-judicial-independence-in-a-time-of-political-division-1?#agenda-item-panel.

October 9, 2024: Panelist, "How to Make Originalist Arguments in Ohio," Dayton Federalist Society Lawyers Chapter, Dayton, Ohio. I discussed originalism and how background principles of the rule of law depend on laws being read in accord with their original public meaning. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

August 14, 2024: Webinar Panelist, "*West Virginia v. EPA*, Two Years Later: Updates on the Major Questions Doctrine." Recording available at: https://fedsoc.org/events/west-virginia-v-epa-two-years-later-updates-on-the-major-questions-doctrine.

August 16, 2024: Panelist, "State Government Service," Alliance Defending Freedom, Leesburg, Virginia. I discussed why I decided to leave private practice for public service in state government as Ohio Solicitor General. I have no notes, transcript, or recording. The address of Alliance Defending Freedom is 15100 North 90th Street Scottsdale, Arizona 85260.

July 2024: Speaker, "How to Lead by Following," Lewis Center, Ohio. Notes supplied.

July 25, 2024: Speaker, "2024 Supreme Court Review," Nashville Federalist Society Lawyers Chapter, Nashville, Tennessee. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

July 9, 2024: Webinar Panelist, "*Utah v. Su*: Are DOL (and SEC) Regulations that Encourage ESG Investing Lawful?" Recording available at https://fedsoc.org/events/utah-v-su-are-dol-and-sec-regulations-that-encourage-esg-investing-lawful.

April 19, 2024: Panelist, "State Laws to Protect Children," Alliance Defending Freedom, Vail, Colorado. I discussed laws in Ohio. I have no notes, transcript, or recording. The

address of Alliance Defending Freedom is 15100 North 90th Street Scottsdale, Arizona 85260.

April 3, 2024: Speaker, "Fruit of the Spirit and the Practice of Law," Central Ohio Christian Legal Society, Columbus, Ohio. I addressed Biblical verses and their application to the law. I have no notes, transcript, or recording. The address of the Central Ohio Christian Legal Society is 8001 Braddock Road, Suite 302, Springfield, Virginia 22151.

March 18, 2024: Panelist, "Appellate Advocacy and School Choice: A Solicitor General Panel," Capital University Law School Federalist Society Students Chapter, Columbus, Ohio. I discussed strategies I use to litigate appellate cases, including brief writing, oral argument preparation, and adapting to the questions of judges. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

February 15, 2024: Speaker, CLE Presentation, "New Year, New Solicitor General," Republican National Lawyers Association, Columbus, Ohio. I discussed the legal precedents shaping future decisions in the judiciary and of the Supreme Court of the United States. I have no notes, transcript, or recording. The address of the Republican National Lawyers Association is Post Office Box 18965, Washington, District of Columbia 20003.

February 6, 2024: Panelist, "A Conversation with Attorney General Yost and Solicitor General Gaiser of Ohio," Hillsdale College Federalist Society, Hillsdale, Michigan. I discussed how pursuing conservative aims means abiding by principles. Press report supplied. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

November 14, 2023: Speaker, "Supreme Court Docket Review," University of Michigan Federalist Society Students Chapter, Ann Arbor, Michigan. I discussed the Supreme Court docket. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

July 26, 2023: Speaker, Remarks, Forge Leadership Network Alumni, Lewis Center, Ohio. I discussed leadership in the Founding Era. I have no notes, transcript, or recording. The address of the Forge Leadership Network Alumni is 707 Miamisburg-Centerville Road, Dayton, Ohio 45459.

June 28, 2023: Panelist, "Corporate Speech & the First Amendment," Federalist Society Freedom of Thought Conference, Washington, District of Columbia. I discussed constitutional and corporate law issues. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

May 25, 2023: Speaker, "Cryptocurrency and the Major Questions Doctrine," Federalist

Society Little Rock Lawyers Chapter. I discussed Supreme Court jurisprudence. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

March 11, 2023: Speaker, Remarks, Forge Leadership Network Fundraising Banquet, Dayton, Ohio. Notes supplied.

February 22, 2023: Panelist, "From SCOTUS to Bitcoin: Elliot and Alexandra Gaiser," University of Houston Federalist Society Students Chapter, Houston, Texas. I discussed my career in the law. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

September 8, 2022: Speaker, Remarks, "Morning Story," Teneo, Adairsville, Georgia. I described my work as a Supreme Court law clerk. I have no notes, transcript, or recording. The address of Teneo Network, Inc. is 512 West MLK Jr. Boulevard, Suite 239, Austin, Texas 78701.

August 22, 2022: Panelist, "A Conversation with Two Recent Supreme Court Clerks," Hillsdale College Federalist Society Students Chapter. I discussed my work as a Supreme Court law clerk. Press report supplied. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

February 16, 2022: Speaker, Remarks, Washington and Lincoln Toast, Hillsdale College Kirby Center, Washington, District of Columbia. Recording supplied.

September 9, 2021: Speaker, "How to Decide Whether to go to Law School," Calvin Coolidge Presidential Foundation, Washington District of Columbia. I spoke about the decision process on whether to go to law school. I have no notes, transcript, or recording. The address of the Coolidge Presidential Foundation is 3425 Prospect Street, N.W., Washington, District of Columbia 20007.

May 21, 2021: Speaker, "The Rule of Law and the Role of a Lawyer," Forge Leadership Network Alumni. I spoke about the rule of law and the role of a lawyer. The address of the Forge Leadership Network Alumni is 707 Miamisburg-Centerville Road, Dayton, Ohio 45459.

October 12, 2020: Speaker, "A Biblical Guide to Voting," Calvary Chapel Cleveland, Brooklyn Heights, Ohio. Recording available at https://www.youtube.com/watch?v=xWk0sdDX04M.

September 14, 2020: Video Presenter, "How Does the FDA Regulate Hand Sanitizer?", Federalist Society Regulatory Transparency Project. Recording available at https://fedsoc.org/commentary/videos/how-does-the-fda-regulate-hand-sanitizer.

May 6, 2020: Podcast Moderator, "Deep Dive Episode 110 – Community Reinvestment Act: Remedy or Relic?," Regulatory Transparency Project Teleforum, Federalist Society Regulatory Transparency Project. Recording available at https://fedsoc.org/events/community-reinvestment-act-remedy-or-relic#podcast-anchor.

April 22, 2020: Webinar, Community Conversation with Ohio Representative Jena Powell. I discussed issues on civil liberties. I have no notes, transcript, or recording. The address for Representative Powell is the Ohio Statehouse, 1 Capitol Square, Columbus, Ohio 43215.

January 5, 2018: Speaker, "Reflection on the Rule of Law," Forge Leadership Network Alumni. Washington, District of Columbia. Manuscript supplied.

July 2016: Speaker, "Four Flavors of Conservatism," Forge Leadership Network, Circleville, Ohio. Video available at https://www.youtube.com/watch?v=sDVC2YgLhNM, and PowerPoint supplied.

February 1, 2016: Caucus speaker supporting Ted Cruz for President, Des Moines, Iowa. Draft speech supplied.

October 20, 2015: Speaker, "In the World but Not of It, of the Law but Not Under It: Reflections on Law, Vocation, and Christianity," Belmont Abbey College, Belmont, North Carolina. Draft speech supplied.

June 2013: Speaker, Home School Commencement Ceremony, Cleveland, Ohio. I discussed the importance of human character and humility. I have no notes, transcript, or recording. No public address available.

July 21, 2012: Remarks, Heritage Action and Family Research Council Rally, Cleveland, Ohio. Notes supplied.

June 2012: Speaker, Home School Commencement Ceremony, Cleveland, Ohio. I discussed the importance of not despising the day of small beginnings. I have no notes, transcript, or recording. No public address available.

Spring 2012: Speaker, "#Virtue: Cultivating Private Life in Social Networks," Twelfth Annual Edward Everett Oratory Contest, Hillsdale College, Hillsdale, Michigan. Copy supplied.

March 22, 2012: Speaker, Colorado Republican Party Dinner, Colorado [I do not recall the city]. Recording supplied.

March 2012: Speaker, "Should Christians be Patriots?", Hillsdale College, Hillsdale, Michigan. Notes supplied.

Spring 2011: Speaker, "The Threat of Terrorism and the Principle of Personal Liberty,"

Eleventh Annual Edward Everett Oratory Contest, Hillsdale College, Hillsdale, Michigan. Copy supplied.

February 20, 2011: Speaker, "Abraham Lincoln: A Man and a Leader of Men, Hillsdale College, Hillsdale, Michigan. I discussed lessons of leadership from Abraham Lincoln's speeches and life. I have no notes, transcript, or recording. The address of Hillsdale College is 33 East College Street, Hillsdale, Michigan 49242.

Spring 2010: Speaker, "Higher Education and Government: Ends and Means," Tenth Annual Edward Everett Oratory Contest, Hillsdale College, Hillsdale, Michigan. Copy supplied.

April 15, 2010: Remarks, Hudsonville Tea Party, Hudsonville, Michigan. Notes supplied.

April 14, 2009, Speech, "Elliot – Something Back of These," Ninth Annual Edward Everett Oratory Contest, Hillsdale College, Hillsdale, Michigan. Recording available at https://www.youtube.com/watch?v=vU1VkPd9IVA.

From August 2009 to May 2012, I worked as a radio technician and DJ at WCSR in Hillsdale, Michigan. I occasionally read news, sports, and weather on nights and weekends. I have no notes, transcript, or recording. The address of WCSR is 70 North West Street, Hillsdale, Michigan 49242.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Press release, *Justice Department Says Federal Education Aid Cannot Be Tied to Unconstitutional Race-Based Criteria*, U.S. Department of Justice (Nov. 5, 2026). Copy supplied.

Justice Department Says Government Can't Restrict Funding Based on Religious Status (EWTN News Sept. 2, 2026). Video available at https://www.youtube.com/watch?v=HKmaqaBdx34

Perry Stein and Mark Berman, *Meet the Small DOJ Unit Approving Some of Trump's Most Controversial Policies*, Wash. Post (Oct. 18, 2026). Copy supplied.

Press release, *Justice Department Concludes Federal Ban on Handgun Sales to 18 to 20-Year-Olds is Unconstitutional and Cannot Be Criminally Enforced*, U.S. Department of Justice (Sept. 18, 2026). Copy supplied.

Charlee Amason, *Hillsdale Federalist Society Awards Alumnus*, Collegian (Hillsdale College) (Sept. 10, 2026). Copy supplied.

Press release, *Justice Department Clarifies Duty of States to Report Known Illegal Aliens*

Under Welfare-Reform Law, U.S. Department of Justice (Sept. 2, 2026). Copy supplied.

Press release, *Justice Department Office of Legal Counsel Concludes the Constitution Requires Presidential Control of the Foreign Service Grievance Board*, U.S. Department of Justice, Aug. 21, 2026. Copy supplied.

The Arena with American First Legal, *Elliot Gaiser Writing Advice* (Aug. 5, 2026). Video available at https://youtube.com/shorts/ZKlf3FbT2qg?si=584m6MwJGf5ns797.

The Arena with American First Legal: *Inside the Office of Legal Counsel with Assistant Attorney General Elliot Gaiser* (July 27, 2026). Recording available at https://podcasts.apple.com/us/podcast/inside-the-office-of-legal-counsel-with/id1890462691?i=1000778540475.

The Republican Legacy Podcast: *Introducing The Republican Legacy Podcast* (June 7, 2026). Recording available at https://open.spotify.com/episode/3g0DAIowbKZKqwwTByeCRj.

Carmen Angelo, *Reaction to Ruling by Ohio Supreme Court on Motion to Stay*, WTAM 1100 (Apr. 30, 2025). Recording supplied.

Olivia Pero, *Alumnus Argues Before SCOTUS*, Collegian (Hillsdale College) (Mar. 20, 2025). Copy supplied.

Victoria Ryan, *U.S. Supreme Court Examines a Prisoner's Right to a Jury Trial in Specific Exhaustion Cases*, Mich. Advance (Mar 3, 2025). Copy supplied.

WORLD: *The World and Everything in It* (Jan. 16, 2025). Recording available at https://wng.org/podcasts/the-world-and-everything-in-it-january-16-2025-1736967796.

The Hugh Hewitt Show: *The Most Impressive Resume Hugh Hewitt Has Seen in Decades* (Dec. 16, 2024). Recording available at https://www.youtube.com/watch?v=66y2j2EwjQg.

Audrey Streb, *Ohio's Solicitor General Credits Heritage Internship for His Conservative Principles*, The Daily Signal (Dec. 18, 2024). Copy supplied.

WORLD: *The World and Everything in It* (July 17, 2024). Transcript supplied.

Emily Schutte, *Hillsdale Alumnus Appointed Next Solicitor General in Ohio*, Collegian (Hillsdale College) (Oct 26, 2023). Copy supplied.

Press release, *AG Yost Announces Pick for Next Solicitor General*, Office of the Attorney General of Ohio (Oct. 18, 2023). Copy supplied.

Olivia Pero, *Q&A: Former SCOTUS Clerks Elliot Gaiser '12 and Garrett West '15*,

Collegian (Hillsdale College) (Sept. 1, 2022). Copy supplied.

Doug Goodnough, *Supreme Assignment*, Hillsdale College Alumni Newsletter (Aug. 2022). Copy supplied.

Elizabeth Troutman, *Hillsdale Alumni Clerk for US Supreme Court this Term*, Collegian (Hillsdale College) (Sept. 16, 2021). Copy supplied.

Radio Free Hillsdale Hour: *Ronald Pestritto, Kelly Scott Franklin, & Elliot Gaiser* (June 10, 2021). Recording available at https://podcast.hillsdale.edu/ronald-pestritto-kelly-scott-franklin-elliot-gaiser/.

What's the Res?: *Comprehending the Welfare State* (Feb. 7, 2020). Recording available at https://podcasts.apple.com/us/podcast/whats-the-res-season-2-episode-42-comprehending/id1451466361?i=1000464930979.

Examining Politics: *David Reaboi, Elliot Gaiser and David Harsanyi* (Jan. 9, 2020). Recording unavailable. Information available at https://www.podchaser.com/podcasts/examining-politics-podcast-203075/episodes/david-reaboi-elliot-gaiser-and-51248106.

Beyond the Bubble: *Elliot Gaiser, Pre-Law* (Nov. 4, 2019). Recording available at https://podcasts.apple.com/us/podcast/elliot-gaiser-pre-law/id1454002914?i=1000455911101.

Katarzyna Ignatik, *Liberal Arts and Politics in the "Real World"*, Hillsdale Blog (published between 2017 – 2019). Copy supplied.

Scott McClellan, *'Man of the Mind Elliot Gaiser' Seeks Truth in Law and Politics After Hillsdale*, Collegian (Hillsdale College) (Nov. 16, 2017). Copy supplied.

Taxing Away the Constitution: House Must Kill Internet Tax, Not Just Slow It Down, Investor's Business Daily (May 9, 2013). Copy supplied.

Roxanne Turnbull, *Jeffrey Gaiser: Harnessing His God-Given Gift*, Collegian (Hillsdale College) (Sept. 14, 2012),

Samantha Gilman, *Students for Santorum*, Collegian (Hillsdale College) (Apr. 5, 2012). Copy supplied.

Samantha Scorzo, *Debate Wins Big at Bowling Green*, Collegian (Hillsdale College) (Mar. 1, 2012). Copy supplied.

Marieke van der Vaart, *Santorum Skips Out*, Collegian (Hillsdale College) (Feb. 23, 2012). Copy supplied.

Marieke van der Vaart, *Santorum Backs Out of Symposium*, Collegian (Hillsdale College) (Feb. 19, 2012). Copy supplied.

Nancy Hastings, *Santorum to Speak at Hillsdale College*, Hillsdale Daily News (Feb. 18, 2012). Copy supplied.

Marieke van der Vaart, *Santorum to Speak at Hillsdale, Other Candidates Invited*, Collegian (Hillsdale College) (Feb. 16, 2012). Copy supplied.

Newsroom (CNN television broadcast, aired Feb. 10, 2012). Transcript supplied.

Nicole Dominique, *Presidential Hopeful Cain Visits Hillsdale College*, Hillsdale Daily News (Nov. 30, 2011). Copy supplied.

Cain Giving a Speech in Hillsdale; GOP Presidential Candidate Expected to Discuss Policies, Jackson City Patriot (Mich.) (Nov. 29, 2011). Copy supplied

John J. Miller, *Newt, Newt, Newt*, Nat'l Rev. (Nov. 23, 2011). Copy supplied.

Mitchell Malcheff, *Preparing for Nov. 2; Americans for Prosperity Tour Stops at Hillsdale College*, Hillsdale Daily News (Oct. 6, 2010). Copy supplied.

Tom Gantert, *Tea Party Day 2010*, Michigan Capitol Confidential (July 9, 2010). Copy supplied.

Tom Gantert, *Radio for the 'Starbucks Generation'*, Mich. Capitol Confidential (Apr. 25, 2010). Copy supplied.

Conservative Private Radio:

From 2010 to 2013, I produced a podcast entitled "Conservative Private Radio." I have listed below all episodes for which I have records. Recordings are supplied.

Humility: America's Greatest Virtue, an Interview with Dr. Bobb (May 2013).

Freedom and Kindness with the Mayor of Anaheim: Tom Tait (Dec. 2012).

Get Unmuzzled: Juan Williams on National Debate, Minorities, and Creative Solutions (Dec. 2012).

Presidential Candidate Rick Santorum on Liberty and Virtue with CPR (Apr. 2012).

On Gifts, Liberty, and Bethlehem (Dec. 2011).

Andy Ferguson on CPR (Oct. 24, 2011).

State Politics with Patricia Phillips (July 2011).

Renewing America: Star Parker on Poverty, Welfare, and Saving Our Cities (May 2011).

Satellite Defense: Video Game Development with Cory and Toby Flint (Apr. 2011).

Behind the Speech: President Bush's Chief Speech Writer William McGurn (Mar. 2011).

Running for President and Competing with China: Steve Forbes, Part Two (Mar. 2011).

World-Renowned Violinist Caroline Goulding on the Meaning of Classical Music (Mar. 2011).

Tax Reform to Save America: Steve Forbes, Part One (Feb. 2011).

Don't Vote, It Just Encourages the Bastards: PJ O'Rourke (Jan. 2011).

FEC Chairman Brad Smith on Free Speech (Oct. 5, 2011).

A Rightwing Religious Actor in Hollywood: Stephen Baldwin (Oct. 2010).

A War on Success: An Interview with Bestselling Author Tommy Newberry (Oct. 2010).

Herman Cain Talks Leadership, Religious Liberty, and Economics (Oct. 2010).

Dom Sciria (Aug. 2010).

Rep. Joe Wilson on CPR (Aug. 2010).

CPR Thoughts on Dodd-Frank (July 2010).

The Meaning of the Declaration of Independence (July 2010).

Pastor Mike Bucher (June 20101).

Why We Remember: Memorial Day Essay (May 2010).

The Greatest Story Ever Told (Apr. 2010).

Journalist Mark Steyn on CPR (Mar. 11, 2010).

Professor Gary Wolfram on CPR, Part Two (Mar. 8, 2010).

Courting Disaster with Marc Thiessen on CPR (Mar. 1, 2010).

Phyllis Schlafly on Making Yourself a Leader with CPR (Mar. 2010).

John Fund of Wall Street Journal on CPR (Mar. 2010).

Liberty & Learning on CPR with Larry Arnn, Part One (Mar. 2010). I have been unable to locate a recording for Part Two.

Tim Walberg, Part One (Mar. 2010). I have been unable to locate a recording for Part Two.

The True Meaning of Valentine's Day with CPR (Feb. 13, 2010).

CPR at CPAC with Rep. Steve King on Healthcare (Feb. 2010).

Economics Professor Gary Wolfram, Part One (Feb. 2010).

CPR at CPAC with Gov. Bob McDonnell of Virginia (Feb. 20, 2010).

The Philmont Chronicles: Cory and Toby Flint on Scouting in America (Jan. 24, 2010).

Keeping America Safe with CPR (Jan. 23. 2010).

The Case for Simplifying the Tax Code with CPR (Jan. 3, 2010).

Problems with Cap-and-Trade with CPR (Jan. 2, 2010).

The New Year's Resolution that Changed My Life (Jan. 2010).

13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these cases, approximately what percent were:

jury trials: ___%
bench trials: ___%

ii. Of these cases, approximately what percent were:

civil proceedings: ___%
criminal proceedings: ___%

b. Provide citations for all opinions you have written, including concurrences and

dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations**:

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I presently serve as the Assistant Attorney General of the Office of Legal Counsel at the United States Department of Justice. I was appointed to the position by President Donald Trump on July 30, 2025.

I served as Solicitor General for the State of Ohio from 2023 to 2025. I was appointed to the position by then-Attorney General David Yost in October 2023.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have participated in the following political campaigns:

November 2022: Legal War Room Volunteer, Ohio Republican Party. I was tasked with monitoring legal complaints that arose during the campaign and election.

October 2020 – December 2020: Senior Associate Counsel, Donald J. Trump for President, Inc. I worked on the campaign through my role as an Associate at Boyden Gray PLLC. I was tasked with supervising and monitoring appellate litigation during the campaign and election.

December 2015 – May 2016: Volunteer, Ted Cruz for President. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities; I also attended campaign rallies in Iowa and Indiana.

September 2012 – October 2012: Volunteer, Mitt Romney for President. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

April 2012: Volunteer, Rick Santorum for President. I volunteered on the campaign by

knocking on doors, phone-banking and conducting other general volunteer activities.

October 2010: Volunteer, John Kasich for Governor. I volunteered on the campaign by conducting research, advance work, knocking on doors, phone-banking and conducting other general volunteer activities.

October 2010: Volunteer, Rob Portman for Senate. I volunteered on the campaign by conducting research, advance work, knocking on doors, phone-banking and conducting other general volunteer activities.

October 2010: Volunteer, Mike DeWine for Attorney General. I volunteered on the campaign by conducting research, advance work, knocking on doors, phone-banking and conducting other general volunteer activities.

October 2010 – November 2010: Volunteer, Jon Husted for Secretary of State. I volunteered on the campaign by conducting research, advance work, knocking on doors, phone-banking and conducting other general volunteer activities.

September 2008 – November 2008: Volunteer, Michigan Republican Party. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

January 2008 – March 2008: Volunteer, Mike Huckabee for President. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities

October 2007 – November 2007: Volunteer, Trey Grayson for Kentucky Secretary of State. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

October 2006 – November 2006: Volunteer, Mike DeWine for Senate. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

September 2006 – October 2006: Volunteer, Josh Mandel for State Representative. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

October 2005 – November 2005: Volunteer, Jerry Kilgore for Virginia Governor. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

August 2004 – November 2004: Volunteer, George W. Bush for President/Ohio Republican Party. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2016 to 2017, I served as a law clerk to Judge Edith H. Jones, United States Court of Appeals for the Fifth Circuit

From April 2019 to August 2019, I served as a law clerk to Judge Neomi Rao, United States Court of Appeals for the D.C. Circuit,

From 2021 to 2022, I served as a law clerk to Justice Samuel A. Alito, Supreme Court of the United States

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

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Gibson Dunn
1700 M Street, N.W.
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Associate

2019 – 2021
Boyden Gray, PLLC
800 Connecticut Avenue, N.W.
Washington, District of Columbia 20006
Associate

2022 – 2023
Jones Day
325 John H. McConnell Boulevard, Suite 600
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Associate

2023 – 2025
Ohio Attorney General
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30 East Broad Street
Columbus, Ohio 43215
Solicitor General

2025 – Present
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950 Pennsylvania Avenue N.W.
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Assistant Attorney General (August 2025 – Present)

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

I have served as an associate at three law firms, Gibson Dunn, Boyden Gray, PLLC, and Jones Day. In each of these firms I worked primarily on civil litigation with an emphasis on appellate and dispositive issues at trial.

As Solicitor General of Ohio, I led the office that represents the State of Ohio and its agencies on appeals in the United States Supreme Court, the United States Court of Appeals for the Sixth Circuit, the Ohio Supreme Court, and other state and federal courts.

As Assistant Attorney General for the Office of Legal Counsel, I lead the office that drafts legal opinions of the Attorney General and provides its own written opinions and other advice in response to requests from the Counsel to the President, the various agencies of the Executive Branch, and other components of the Department of Justice.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

While in private practice my typical clients were corporations and other business entities.

As Solicitor General of Ohio, my client was the State of Ohio and its agencies.

As Assistant Attorney General for the Office of Legal Counsel, I provide legal advice to the Attorney General of the United States, the Counsel to the President, the various agencies of the Executive Branch, and other components of the Department of Justice.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

From 2017 to 2023, most of my practice was focused on litigation or the anticipation of litigation. In private practice, I helped prepare my law partners for court and second-chaired several appellate cases. I also worked on a large class action defense, white collar investigations, and a federal antitrust trial. As I became more senior, I managed several case teams that included trial court work, I also drafted and appeared on pleadings in trial, appellate, and Supreme Court cases.

As Solicitor General of Ohio from 2023 to 2025, I initiated, directed, supervised, and manage the state's highest profile appellate litigation efforts. This included many multistate litigation efforts that originated within my office. I appeared in court frequently.

As Assistant Attorney General for the Office of Legal Counsel I provide legal advice to the Attorney General of the United States, the Counsel to the President, the various agencies of the Executive Branch, and other components of the Department of Justice. I do not appear in court.

i. Indicate the percentage of your practice in:

1.	federal courts:	65%
2.	state courts of record:	30%
3.	other courts:	0%
4.	administrative agencies:	5%

ii. Indicate the percentage of your practice in:

1.	civil proceedings:	85%
2.	criminal proceedings:	15%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have not personally tried any cases to verdict, judgment, or final decision. However, I have worked on or managed case teams that have tried cases to judgment.

i. What percentage of these trials were:

1. jury: 0%
2. non-jury: 0%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

As Solicitor General for the State of Ohio, I presented oral argument in *Ames v. Ohio Department of Youth Services*, 605 U.S. 303 (2025). Transcript supplied.

I have filed petitions for certiorari, amicus briefs, and other pleadings (including applications for a stay) in the following cases. Copies of all filings are supplied.

Nat'l Republican Senatorial Comm. v. FEC, – U.S. – , 146 S. Ct. 2404 (2026)

Ocean State Tactical, LLC v. Rhode Island, – U.S. –, 145 S. Ct. 2271 (2025)

Yost v. Brown, – U.S. –, 145 S. Ct. 1957 (2025)

Chambers-Smith v. Ayers, – U.S. – , 145 S. Ct. 1632 (2025)

Cool v. Jackson, – U.S. – , 145 S. Ct. 1321 (2025)

Ohio v. EPA, – U.S. – , 145 S. Ct. 1052 (2025)

Davis v. Smith, – U.S. – , 145 S. Ct. 93 (2025)

Free Speech Coal., Inc. v. Paxton, 606 U.S. 461 (2025)

Perttu v. Richards, 605 U.S. 460 (2025)

Ames v. Ohio Dep't of Youth Servs., 605 U.S. 303 (2025)

Cath. Charities Bureau, Inc. v. Wis. Lab. & Indus. Rev. Comm'n, 605 U.S. 238 (2025)

Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll., 600 U.S. 181 (2023)

June Med. Servs. L.L.C. v. Russo, 591 U.S. 299 (2020)

Seila Law LLC v. Consumer Fin. Prot. Bureau, 591 U.S. 197 (2020)

First Presbyterian Church U.S.A. of Tulsa v. Doe, 586 U.S. 1126 (2019)

FCA US LLC v. Flynn, 586 U.S. 1108 (2019)

Sause v. Bauer, 585 U.S. 957 (2018)

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Ames v. Ohio Dep't of Youth Servs.*, 605 U.S. 303 (2025). Dates of representation: 2024 – 2025.

As Ohio Solicitor General, I defended the Ohio Department of Youth Services in the United States Supreme Court against claims that it discriminated on the basis of sexual orientation in violation of Title VII of the Civil Rights Act when the Department did not promote and later demoted an unclassified employee. The trial court and court of appeals both concluded that after discovery, the plaintiff failed to provide sufficient evidence to raise a *prima facie* inference of discrimination to survive summary judgment. I argued before the Supreme Court that judgment was correct. In June 2025, the Court vacated the judgment and remanded the case for further consideration.

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2. *Moe v. Yost*, No. 2025-0472 (Ohio) (Kennedy, Justice, C.J., Brunner, Fischer, DeWine, Deters, Hawkins, Shanahan, JJ.). Dates of representation: 2024 – 2025.

I defended Ohio's law against surgical and chemical interventions intended to transition the sex or gender of a child against a lawsuit alleging the law violates the Ohio constitution. The Franklin County Court of Common Pleas held a five-day trial and concluded that the law is constitutional. Plaintiffs appealed to the Tenth District Court of Common pleas, which expedited briefing and argument. The Tenth District reversed, holding that the law violated the Ohio Constitution, and denied a stay of its judgment. I filed a notice of appeal and motion for stay, which remains pending with the Supreme Court of Ohio.

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3. *Brown v. Yost*, No. 2:24-cv-1401, 2024 WL 1934615 (S.D. Ohio May 1, 2024) (Graham, J.), *rev'd*, 103 F.4th 420 (6th Cir. 2024) (Moore, Mathis, JJ.; Bush, J., dissenting), *remanded as moot*, 104 F.4th 621 (6th Cir. 2024 (en banc) (Sutton, C.J., Moore, Clay, Gibbons, Griffin, Kethledge, Stranch, Thapar, Bush, Larsen, Nalbandian, Readler, Murphy, Davis, Mathis, Bloomekatz, JJ.), *relief granted on remand*, 770 F. Supp. 3d 1073 (2025), *stay granted*, – U.S. –, 221 L. Ed. 2d 655 (2025) (Kavanaugh, J.), *stay vacated and application for stay denied*, – U.S. –, 221 L. Ed. 2d 655 (2025). Dates of representation: 2024 – 2025.

Ohio law requires proponents of a ballot initiative to submit to the Attorney General a proposed summary of the initiative that will be affixed to the top of official petitions to ensure that summary is fair and truthful. Plaintiffs sued in the Southern District of Ohio alleging that the fair-and-truthful requirement restricts private speech in violation of the First Amendment. The district court denied a motion for preliminary injunctive relief. A panel of the Court of Appeal for the Sixth Circuit reversed. The court sitting *en banc* held that the request for injunctive relief was moot and remanded the case.

The plaintiffs filed an amended complaint, and the district court granted a preliminary injunction, but shortly thereafter granted a stay of its injunction. This stay was lifted by the Sixth Circuit (Moore, Mathis, JJ.; Bush, J., dissenting).

The Attorney General then sought emergency relief at the United States Supreme Court. On April 10, 2025, the Court initially stayed the order of injunctive relief, but on April 22, 2025, denied the application for a stay.

I participated in proceedings before the Sixth Circuit and filed the application for a stay in the United States Supreme Court.

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4. *OPAWL v. Yost*, 748 F. Supp. 3d 554 (S.D. Ohio 2024), *stay granted*, 118 F.4th 770 (6th Cir. 2024) (Thapar, McKeague, JJ., Davis, J., dissenting), *and rev'd and remanded*, 152 F.4th 736 (6th Cir. 2025) (Kethledge, Murphy, Mathis, JJ.). Dates of representation: 2024 – 2025.

Ohio's General Assembly adopted a law restricting noncitizens from spending or contributing money to influence ballot issue campaigns in Ohio. Plaintiffs sued, alleging violations of the First Amendment, and obtained a preliminary injunction against enforcing the foreign-money ban in the 2024 election at least with respect to lawful permanent residents. The Attorney

General appealed and sought a stay of the preliminary injunction pending appeal, and the Sixth Circuit granted a stay in a 2-1 decision that concluded Ohio is likely to prevail in showing its ban on foreign money is narrowly tailored to advance a compelling state interest. I participated in proceedings before the Sixth Circuit.2

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5. *City of Cincinnati v. Ohio*, 247 N.E.3d 960 (Ohio Ct. App. 2024) (Bergeron, J., Zayas, P.J., Crouse, J., dissenting), *aff'd*, 182 Ohio St. 3d 435 (Ohio 2026) (Kennedy, C.J., DeWine, Deters, Hawkins, Shanahan, JJ., Fischer, Brunner, JJ., dissenting). Dates of representation: 2024 – 2025.

Ohio Revised Code 9.68 provides that local jurisdictions within the state may not adopt restrictions on firearms that conflict with federal or state restrictions on firearms, ensuring that citizens do not face a patchwork of firearms regulations when they travel throughout the state. The City of Cincinnati sued, alleging that the Ohio statute violates the Ohio Constitution's reservation of home rule power to municipalities. The trial court entered an injunction in favor of the city, and Ohio appealed. I argued before the court of appeals that the law is constitutional,

and the First District Court of Appeals agreed, reversing the injunction. The Ohio Supreme Court later affirmed.

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6. *State ex rel. Ctr. for Media & Democracy v. Yost*, No. 2023-0270, 2026-Ohio-1899 (Ohio May 27, 2026) (Kennedy, C.J., DeWine, Deters, Hawkins, Shanahan, Fischer, JJ., Brunner, J., dissenting). Dates of representation: 2024 – 2025.

A nonprofit organization sued the Attorney General under the public records law of Ohio and obtained a broad discovery order sweeping in hundreds of people and potentially hundreds of thousands of pages of documents. I represented the Attorney General before the Supreme Court of Ohio, arguing that overbroad discovery orders violate the Ohio Rules of Civil Procedure and the separation of powers principles in the Ohio constitution. After I left office, the Ohio Supreme Court held that the court of appeals misapplied the law and abused its discretion, vacated the court of appeals' discovery order, and remanded the case for further proceedings.

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7. *Davis v. Jenkins*, 115 F.4th 545 (6th Cir. 2024) (en banc) (Sutton, C.J., Moore, Cole, Clay, Gibbons, Griffin, Kethledge, Stranch, Thapar, Bush, Larsen, Nalbandian, Readler, Davis, Mathis, JJ.), *cert. denied sub nom. Davis v. Cool*, – U.S. –, 145 S. Ct. 2756 (2025). Dates of representation: 2023 – 2025.

In 1984, a Butler County, Ohio court tried and convicted Von Clark Davis of aggravated murder of his girlfriend, with a capital specification for a prior conviction of purposefully killing his wife. Forty years later, Davis sought habeas review of the third death sentence for this conviction. A panel of the Sixth Circuit granted habeas release in a 2-1 decision, 79 F.4th 623, but the *en banc* court granted review. I argued before the *en banc* court that habeas relief should be denied, and the Sixth Circuit agreed.

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8. *Defending Educ. v. Olentangy Loc. Sch. Dist. Bd. of Educ.*, 158 F.4th 732 (6th Cir. 2025) (en banc) (Sutton, C.J., Batchelder, Moore, Clay, Griffin, Kethledge, Stranch, Thapar, Bush, Larsen, Nalbandian, Readler, Murphy, Davis, Mathis, Bloomekatz, Ritz, JJ.). Dates of representation: 2024 – 2025.

Plaintiffs sued an Ohio school district because of a policy that bars students from referring to transgender and nonbinary classmates using the pronouns that match their biological sex if the classmates prefer to go by different pronouns. The district court denied a motion for preliminary injunctive relief and a panel of the Sixth Circuit affirmed. Subsequently the Sixth Circuit agreed to hear the case en banc.

In the en banc proceedings, I argued as amicus on behalf of Ohio and 22 other states supporting plaintiff parents' organization request for a preliminary injunction against the school's preferred pronoun mandate. I argued that the First Amendment prevents a school from threatening discipline against a student simply for knowingly using a pronoun inconsistent with another student's sex, in accord with deeply held beliefs. After I left office, the Sixth Circuit reversed the panel decision, found that the plaintiffs were entitled to an appropriately tailored preliminary injunction and reversed and remanded.

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9. *Walmart Inc. v. King*, No. CV 623-040 (S.D. Ga.) (Hall, J.). Dates of representation: 2023.

This case involved the constitutionality of 5 U.S.C. § 7521(a) of the Administrative Procedure Act, which contains a "good cause" removal procedure for administrative law judges serving in executive branch agencies. I appeared as counsel on the papers on behalf of Walmart in the district court. After I withdrew from the representation due to my appointment as Solicitor General of Ohio, the district court granted summary judgment for Walmart. 2024 WL 1258223 (S.D. Ga. Mar. 25, 2024). In 2025, the Eleventh Circuit reversed the order of summary judgment. 144 F.4th 1315 (11th Cir. 2025).

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10. *Brackeen et al. v. Zinke*, 4:17-cv-00868, 338 F. Supp. 3d 514 (N.D. Tex. 2018) (O'Connor, J.), *aff'd in part, rev'd in part sub nom, Brackeen v. Bernhardt*, 937 F.3d 406 (5th Cir. 2019) (Dennis, Weiner, Owen, JJ.); *aff'd in part, rev'd in part sub nom, Brackeen v. Haaland*, 994 F.3d 249 (5th Cir. 2021) (en banc) (Owen, C.J., Jones, Smith, Wiener, Stewart, Dennis, Elrod, Southwick, Haynes, Graves, Higginson, Costa, Willett, Duncan, Engelhardt, Oldham, JJ.); *aff'd in part, rev'd in part, vacated in part*, 599 U.S. 255 (2023). Dates of representation: 2018 – 2019.

While I worked at Gibson Dunn, I represented several non-Indian families as plaintiffs, who were seeking to adopt children of Indian descent, in a challenge to the Indian Child Welfare Act of 1978. As a result of some peculiarities of federal law, three foster children were unable to stay with loving families who wanted to adopt them. I worked on the matter at the trial court level before the Northern District of Texas, where I assisted with drafting the amended complaint and briefing at the motion to dismiss stage and cross-motions for summary judgment. I also assisted with drafting oppositions to motions to stay the case, panel-stage merits briefing, and preparing the team for oral argument. I was at counsel table for the Fifth Circuit argument. The procedural history of the case is complex, and the relevant portions are listed in my case listing. I left the firm before the Fifth Circuit's opinion, 994 F.3d 249 (5th Cir. 2021). The case ultimately went on appeal to the Supreme Court in *Haaland v. Brackeen*, 599 U.S. 255 (2023).

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18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I presently serve as Assistant Attorney General for the Office of Legal Counsel. In that role I

lead the office that drafts legal opinions of the Attorney General and provides its own written opinions and other advice in response to requests from the Counsel to the President, the various agencies of the Executive Branch, and other components of the Department of Justice.

As Solicitor General of Ohio, I served as a member of the Attorney General's senior executive staff and advised him and my fellow senior staff on critical legal matters affecting the state of Ohio. I also advised the staff of Ohio agencies and other state-wide elected officers regarding litigation and constitutional interpretation. I was also responsible for managing the Attorney General's Opinions Unit and reviewing all Advisory Opinions issued by the Attorney General to authorized requesters.

I have not served as a lobbyist.

19. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

I assisted Chief Judge Jeffrey Sutton with his Supreme Court Seminar class at The Ohio State University Moritz College of Law during the Fall 2024 semester. Syllabus supplied.

I assisted Chief Judge Jeffrey Sutton with his Appellate Advocacy class at The Ohio State University Moritz College of Law during the Fall 2023 semester. I no longer have a copy of the syllabus.

I co-taught with E. Garrett West a one-week, one-credit seminar at Hillsdale College entitled "Constitutional Interpretation" in August 2022. Syllabus supplied.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have contributed to retirement plans organized under Section 401(k) sponsored by Gibson Dunn, Boyden Gray PLLC, and Jones Day. I have contributed to the OPERS pension program sponsored by the State of Ohio.

21. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans to pursue outside employment.

22. **Sources of Income**: List sources and amounts of all income received during the calendar

year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and supply a copy to this Committee.

23. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will recuse in cases where I have played any role in litigation. Cases most likely to implicate conflict questions would be those related to my service as the Solicitor General of the State of Ohio. Such cases would likely be rare in the Northern District of Texas. I will evaluate any real or potential conflict by consulting 28 U.S.C. § 455(a) and (b)(3); Canon 3C of the Code of Conduct for United States Judges, pertinent judicial opinions and Judicial Conference decisions, and any other applicable laws, rules, or canons. I will evaluate any real or potential conflicts on a case-by-case basis and take appropriate action, in consultation with parties and their counsel, including recusal where necessary.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

In my current position, as well as when I was Solicitor General of Ohio, I could not engage in pro bono work. However, I have been privileged to have a robust pro bono practice while previously working in private practice. The following cases are a representative sample, which

have included primarily constitutional claims, civil rights and religious liberty, and family law, some of which are already covered in earlier responses.

I was appointed by Judge David Hamilton as pro bono counsel for a prisoner, Jeffrey T. Henson, and litigated his matter through argument before the U.S. Court of Appeals for the Seventh Circuit in November 2023. On behalf of my client, we made good faith arguments that he was the subject of an unlawful search under the Fourth Amendment that should have been accounted for in the magistrate judge's turnover order for cash found in his car after his arrest. The Court of Appeals dismissed the appeal for lack of jurisdiction because the magistrate judge lacked authority to issue a final judgment in *U.S. v. Henson*, No. 22-2512 (Feb. 6, 2025).

At Boyden Gray and Gibson Dunn, I worked on a variety of religious liberty-focused pro bono work, including drafting filings in *Sause v. Bauer*, No. 17-742, and amicus brief filings *First Presbyterian Church U.S.A. of Tulsa v. John Doe*, No. 18-500. I also had the opportunity to draft amicus briefs on a pro bono basis in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023), the seminal civil rights case of recent history, on behalf of a group of economists. The brief argued that the discovery record and econometrics models in the case showed that Harvard admissions process was heavily affected by racial tips to discriminate against white and Asian applicants.

26. **Selection Process**:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On November 4, 2026, I was contacted by staff from Senator Cruz's office about the vacancy. On November 6, I discussed a possible nomination with staff from Senator Cornyn's office. On November 6, 2026, I was informed by the White House Counsel's Office that I was under consideration for nomination. Throughout the process, I have been in contact with officials from the White House Counsel's Office and the Department of Justice.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Thomas Elliot Gaiser, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

D. Elliot Gaiser

11/7/2026

(DATE) (NAME)

(NOTARY)

City/County of Alexandria
Commonwealth of Virginia
The foregoing instrument was acknowledged before me
This 7th day of November, 2026
By Thomas Elliot Gaiser
Notary Public
Reg. # 00381400 Com. Exp. 08/31/2029

ZAMYRA RUBY BARAHONA
MY COMM. EXPIRES 08/31/2029
REGISTRATION # 00381400
NOTARY PUBLIC COMMONWEALTH OF VIRGINIA